JOURNAL

of the

House of Representatives

of the

COMMONWEALTH OF KENTUCKY

Regular Session of 1956

Held in the State Capitol in the Capital City of Kentucky, at
Frankfort, in the Year of Our Lord 1956 and
in the One Hundred and Sixty-Fourth
Year of the Commonwealth

Begun on the Third Day of January, 1956, and Adjourned
Sine Die on the Eighteenth Day of February, 1956

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REGULAR SESSION, 1956

TUESDAY, JANUARY 3, 1956

FIRST LEGISLATIVE DAY

At a General Assembly of the Commonwealth of Kentucky, held at the Capitol in the City of Frankfort, and begun on January 3, 1956, the one hundred and sixty-fourth year of the Commonwealth, in accordance with the provisions of the Constitution, the Honorable Charles W. Burnley, former Speaker of the House, assumed the Chair and called the House to order.

Prayer by the Reverend Fred T. Moffatt, of the First Baptist Church, of Frankfort.

Mr. James Cubbage, Acting Clerk of the House, read the following certificate from the Secretary of State:

I, Thelma L. Stovall, Secretary of State of the Commonwealth of Kentucky, do hereby certify that the attached is a list of the membership of the House of Representatives as compiled by this office, according to the records on file in said office and from the best information obtainable; and that same is a true and correct copy as I verily believe.

Given under my hand and seal of office, this 3rd day of January, 1956.

/S/THELMA L. STOVALL
Thelma L. Stovall,
Secretary of State,
Commonwealth of Kentucky.

House of Representatives

(Chosen for two-year terms ending December 31, 1957.)

1. Hickman-Fulton. Huston (Jack) Johnson, Democrat, Clinton.
2. Carlisle-Ballard. Roy C. Davis, Democrat, Bardwell.
3. Graves. Howard V. Reid, Democrat, Symsonia.
4. McCracken. Charles W. Burnley, Democrat, 1507 Jefferson Street, Paducah.

5. McCracken. Fred H. Morgan, Democrat, 2024 Broad Street, Paducah.
6. Marshall-Lyon. Shelby McCallum, Democrat, Benton.
7. Calloway. Owen Billington, Democrat, Murray.
8. Trigg-Caldwell. Joe E. Nunn, Democrat, Cadiz.
9. Christian. Edward T. Breathitt, Jr., Democrat, Hopkinsville.
10. Hopkins. Fred Beshear, Democrat, Dawson Springs.
11. Livingston-Crittenden. George F. Harris, Democrat, Salem.
12. Union. William Thomas Wathen, Democrat, Morganfield
13. Webster-McLean. J. Murray (Hunkie) Blue, Democrat, Clay.
14. Henderson. Carl D. Melton, Democrat, 1307 South Main Street, Henderson.
15. Daviess. Patrick Tanner, Democrat, 2002 Mayfair Drive, Owensboro.
16. Daviess. Robert Reid, Sr., Democrat, Route One, Owensboro.
17. Muhlenberg. James P. Hahn, Democrat, 305 Bank Street, Greenville.
18. Ohio-Hancock. R. B. Blankenship, Republican, Hartford.
19. Todd. W. L. Hadden, Democrat, Elkton.
20. Logan. Paul Young, Democrat, Olmstead.
21. Allen-Simpson. Emmett Hawkins, Democrat, Scottsville.
22. Warren. B. G. Davidson, Democrat, Bowling Green.
23. Butler-Edmonson. Pearl McKinney, Republican, Morgantown.
24. Grayson. Edward Embry, Republican, Leitchfield.
25. Hardin. Clyde S. Howard, Democrat, 111 Brown Street, Elizabethtown.
26. Meade-Breckinridge. Ralph O. Stith, Democrat, Guston.
27. Barren. Mrs. Randolph Wilson, Democrat, Glasgow.
28. Monroe-Metcalfe. Earl Carter, Republican, Tompkinsville.
29. Adair-Green. David Heskamp, Republican, Columbia.
30. Marion-Taylor. James C. Grundy, Jr., Republican, Lebanon.
31. Larue-Hart. Vernon Reed, Democrat, Hodgenville.
32. Nelson-Anderson. A. W. Wells, Democrat, Bardstown.
33. Spencer-Bullitt. D. C. Casey, Jr., Democrat, Mount Eden.
34. Jefferson. Henry R. Heyburn, Republican, 3918 Leland Road, Louisville.
35. Jefferson. Thomas L. Ray, Democrat, 3 Club Hill Drive, Louisville.
36. Jefferson. Chester. J. Holsclaw, Democrat, 216 Stilz, Louisville.
37. Jefferson. Edward O. Bridgers, Democrat, 2023 Sherwood, Louisville.
38. Jefferson. Clarence R. Miller, Democrat, 614 East Brandeis, Louisville.
39. Jefferson. John W. Farmer, Democrat, 1481 St. James Court, Louisville.
40. Jefferson. Clarence J. Barnum, Democrat, 632 Floral Terrace, Louisville.

41. Jefferson. Charles E. Baumgardner, Sr., Democrat, 3915 Taylor Blvd., Louisville.
42. Jefferson. The Rev. Felix S. Anderson, Democrat, 650 South 21st St., Louisville.
43. Jefferson. Thomas J. Murphy, Democrat, 2216 Dumesnil, Louisville.
44. Jefferson. Eulick (Mike) Walsh, Democrat, 749 South 39th Street, Louisville.
45. Mercer-Washington. Edwin Freeman, Democrat, Harrodsburg.
46. Boyle-Garrard. Ed Kubale, Jr., Democrat, Danville.
47. Madison. Jerry Parrish, Democrat, Richmond.
48. Jessamine-Woodford. Robert L. Gullette, Democrat, Nicholasville.
49. Fayette. John B. Breckinridge, Democrat, 361 Mockingbird Lane, Lexington.
50. Fayette. Foster Ockerman, 491 West Third Street, Democrat, Lexington.
51. Franklin. Alton Moore, Democrat, Frankfort.
52. Shelby. Paul T. Ratcliffe, Democrat, Shelbyville.
53. Oldham-Trimble. George F. Williamson, Democrat, LaGrange.
54. Gallatin-Boone. T. Herbert Tinsley, Democrat, Warsaw.
55. Grant-Owen. Ed Thomas, Democrat, Dry Ridge.
56. Harrison-Scott. Carl Nunnelley, Democrat, Oddville.
57. Carroll-Henry. Roy E. Searcy, Democrat, Carrollton.
58 Kenton. John L. Day, Democrat, 54 Highway Avenue, Ludlow.
59. Kenton. Vernor Cottengim, Democrat, 4317 Church Street, Covington.
60. Kenton. John J. Isler, Democrat, 1813 Jefferson Avenue, Covington.
61. Kenton. Thomas P. Fitzpatrick, Democrat, 305 West Sixth St., Covington.
62. Campbell. Charles W. Wirsch, Republican, 2409 Alexandria Pike, Highland Heights.
63. Campbell. Morris Weintraub, Democrat, Finance Building, Newport.
64. Pendleton-Bracken. Charles L. Conrad, Democrat, Falmouth.
65. Mason. Addison L. Everett, Democrat, Maysivlle.
66. Robertson-Fleming. True Mackey, Democrat, Mount Olivet.
67. Bourbon-Nicholas. Brooks Hinkle, Democrat, Paris.
68. Clark. Rodney J. Thompson, Democrat, Winchester.
69. Montgomery-Menifee. Charles D. Highland, Democrat, Mount Sterling.
70. Rowan-Bath. W. J. (June) Flanery, Democrat, Morehead.
71. Lewis. Hobart Rayburn, Republican, Emerson.
72. Greenup. E. R. Hilton, Democrat, Raceland.
73. Carter. Roger E. Qualls, Republican, Olive Hill.
74. Knott-Magoffin. (Banjo) Bill Cornett, Democrat, Hindman.

75. Morgan-Wolfe. Lynn Boyd Wells, Democrat, West Liberty.
76. Lee-Breathitt. Russell C. Reynolds, Democrat, Beattyville.
77. Estill-Powell. Floyd Bush, Democrat, Ravenna.
78. Jackson-Owsley. John Dunsil, Republican, McKee.
79. Rockcastle. James W. Lambert, Republican, Mount Vernon.
80. Lincoln. E. C. Mullins, Democrat, Stanford.
81. Casey-Russell. R. S. Griffin, Republican, Liberty.
82. Clinton-Cumberland. Hansford Sloan, Republican, Albany.
83. Wayne-McCreary. Clarence H. Bates, Republican, Monticello.
84. Pulaski. Leonard Hislope, Republican, 107 Church Street, Somerset.
85. Whitley. Will K. Peace, Republican, Williamsburg.
86. Laurel. Caleb McFadden, Republican, London.
87. Knox. Charles W. Buchanan, Republican, Barbourville.
88. Bell. Durham W. Howard, Republican, Pineville.
89. Harlan. E. D. Pollitte, Democrat, Harlan.
90. Harlan. LeRoy Saylor, Republican, Cumberland.
91. Leslie-Clay. Clay Gay, Republican, Hyden.
92. Letcher. Harry M. Caudill, Democrat, Whitesburg.
93. Perry. Roy Hurst Grigsby, Jr., Democrat, Hazard.
94. Pike. Goebel W. Newsom, Jr., Democrat, Elkhorn City.
95. Pike. John B. Reed, Democrat, Stone.
96. Floyd. Lon C. Hill, Democrat, Prestonsburg.
97. Floyd. David Martin, Jr., Democrat, Hi Hat.
98. Johnson-Martin. Lynn A. Jennings, Republican, Paintsville.
99. Elliott-Lawrence. John W. Greene, Democrat, Sandy Hook.
100. Boyd. Harry King Lowman, Democrat, Ashland.

The roll was called. All Representatives present except Mr. Clarence J. Barnum.

The following Representatives produced their certificates of election, appeared before the Presiding Officer and were administered their oaths of office by Chief Justice James B. Milliken, of the Court of Appeals of Kentucky:

Felix S. Anderson	Democrat	Louisville
Clarence H. Bates	Republican	Monticello
Charles E. Baumgardner, Sr	Democrat	Louisville
Fred Beshear	Democrat	Dawson Springs
Owen Billington	Democrat	Murray
R. B. Blankenship	Republican	Hartford
J. Murray Blue	Democrat	Clay
Edward T. Breathitt, Jr.	Democrat	Hopkinsville
John B. Breckinridge	Democrat	Lexington
Edward O. Bridgers	Democrat	Louisville
C. W. Buchanan	Republican	Barbourville
Charles W. Burnley	Democrat	Paducah

Floyd Bush	Democrat	Ravenna
Earl Carter	Republican	Tompkinsville
D. C. Casey, Jr.	Democrat	Mount Eden
Harry M. Caudill	Democrat	Whitesburg
Charles L. Conrad	Democrat	Falmouth
Bill Cornett	Democrat	Hindman
Vernor Cottengim	Democrat	Covington
B. G. Davidson	Democrat	Bowling Green
Roy C. Davis	Democrat	Bardwell
John L. Day	Democrat	Ludlow
John Dunsil	Republican	McKee
Edward Embry	Republican	Leitchfield
Addison L. Everett	Democrat	Maysville
John W. Farmer	Democrat	Louisville
Thomas P. Fitzpatrick	Democrat	Covington
W. J. Flanery	Democrat	Morehead
Edwin Freeman	Democrat	Harrodsburg
Clay Gay	Republican	Hyden
John W. Greene	Democrat	Sandy Hook
R. S. Griffin	Republican	Liberty
Roy Hurst Grigsby, Jr.	Democrat	Hazard
James C. Grundy, Jr.	Republican	Lebanon
Robert L. Gullette	Democrat	Nicholasville
W. L. Hadden	Democrat	Elkton
James P. Hahn	Democrat	Greenville
George F. Harris	Democrat	Salem
Emmett Hawkins	Democrat	Scottsville
David Heskamp	Republican	Columbia
Henry R. Heyburn	Republican	Louisville
Charles D. Highland	Democrat	Mt. Sterling
Lon C. Hill	Democrat	Prestonsburg
E. R. Hilton	Democrat	Raceland
Brooks Hinkle	Democrat	Paris
Leonard Hislope	Republican	Somerset
Chester J. Holsclaw	Democrat	Louisville
Clyde S. Howard	Democrat	Elizabethtown
Durham W. Howard	Republican	Pineville
John J. Isler	Democrat	Covington
Lynn A. Jennings	Republican	Paintsville
Jack Johnson	Democrat	Clinton
Ed Kubale, Jr.	Democrat	Danville
James W. Lambert	Republican	Mount Vernon
Harry King Lowman	Democrat	Ashland
True Mackey	Democrat	Mount Olivet
David Martin, Jr.	Democrat	Hi Hat
Shelby McCallum	Democrat	Benton
Caleb McFadden	Republican	London

Pearl McKinney	Republican	Morgantown
Carl D. Melton	Democrat	Henderson
Clarence R. Miller	Democrat	Louisville
Alton Moore	Democrat	Frankfort
Fred H. Morgan	Democrat	Paducah
E. C. Mullins	Democrat	Stanford
Thomas J. Murphy	Democrat	Louisville
Goebel W. Newsom, Jr.	Democrat	Elkhorn City
Joe E. Nunn	Democrat	Cadiz
Carl Nunnelley	Democrat	Oddville
Foster Ockerman	Democrat	Lexington
Jerry Parrish	Democrat	Richmond
Will K. Peace	Republican	Williamsburg
E. D. Pollitte	Democrat	Harlan
Roger E. Qualls	Republican	Olive Hill
Paul E. Ratcliffe	Democrat	Shelbyville
Thomas L. Ray	Democrat	Fairdale
Hobart Rayburn	Republican	Emerson
John B. Reed	Democrat	Stone
Vernon Reed	Democrat	Hodgenville
Howard V. Reid	Democrat	Symsonia
Robert Reid, Sr.	Democrat	Owensboro
Russell C. Reynolds	Democrat	Beattyville
LeRoy Saylor	Republican	Cumberland
Roy E. Searcy	Democrat	Carrollton
Hansford Sloan	Republican	Albany
Ralph O. Stith	Democrat	Guston
Patrick Tanner	Democrat	Owensboro
Ed Thomas	Democrat	Dry Ridge
Rodney J. Thompson	Democrat	Winchester
T. Herbert Tinsley	Democrat	Warsaw
Eulick Walsh	Democrat	Louisville
Will Tom Wathen	Democrat	Morganfield
Morris Weintraub	Democrat	Newport
A. W. Wells	Democrat	Bardstown
Lynn B. Wells	Democrat	West Liberty
George F. Williamson	Democrat	La Grange
Mrs. Randolph Wilson	Democrat	Glasgow
Charles W. Wirsch	Republican	Highland Heights
Paul E. Young	Democrat	Olmstead

Representative Everett announced that the Democratic Party in caucus assembled had elected the Honorable Fred H. Morgan, Representative from McCracken County, as Floor Leader.

Representative H. K. Lowman, nominated T. P. Fitzpatrick, from Kenton County, as Speaker, seconded by Representative Vernor Cottengim.

Representative W. L. Hadden nominated C. W. Buchanan, Jr., Representative from Knox County, as Speaker of the House, seconded by Representative J. W. Lambert.

There being no further nominations, the roll was called. The vote was:

For T. P. Fitzpatrick: 76—Anderson, Baumgardner, Beshear, Billington, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Everett, Farmer, Flanery, Freeman, Greene, Grigsby, Gullette, Hadden, Hahn, Harris, Hawkins, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Nunnelley, Ockerman, Parrish, Pollitte, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Willamson, Wilson, Young.

For C. W. Buchanan: 23—Bates, Blankenship, Carter, Dunsil, Embry, Fitzpatrick, Gay, Griffin, Grundy, Heskamp, Heyburn, Hislope, D. W. Howard, Jennings, Lambert, McFadden, McKinney, Peace, Qualls, Rayburn, Saylor, Sloan, Wirsch.

The Speaker was escorted to the chair by Committee composed of Representatives Day, Weintraub, Cottengim, Isler, and Wirsch.

Oath of Office given by Judge James W. Millikin.

Fred H. Morgan, Representative from McCracken County nominated the constitutional officers, seconded by Addison L. Everett, Representative from Mason County. The following officers were elected by acclamation:

Chief Clerk—James Cubbage
Assistant Clerk—Brooks Hargrove
Enrolling Clerk—Mrs. Vimont Layson
Sergeant-at-Arms—Henry Hale
Doorkeeper—William Maglinger
Janitor—John S. Webb
Cloakroom Keeper—Ralph Sherry
Cloakroom Keeper—Henry Rice
Page—Jeannie Lunsford
Page—Charles Gregory
Page—Daniel Gregory
Page—Linda Ward

No slate was presented from the minority Party.

Mr. Morgan moved that the 1954 House Rules be used until new Rules are adopted. Agreed.

Introduction of Resolution

Rules were suspended for introduction of Resolution.

HR A, by Representative Morgan, A RESOLUTION authorizing appointment of a committee of the House to wait upon the Senate and the Governor.

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That a committee of this House be appointed by the Speaker to wait upon the Senate and notify that body that this House is now organized and ready to proceed to the transaction of business and that said committee shall, in conjunction with a like committee from the Senate, wait upon the Governor and inform him that the General Assembly is now organized and ready to receive any communications he may desire to deliver.

Representative Morgan moved adoption of **HR A.** Agreed.

Judge Millikin administered the oath of office to the Constitutional officers.

A Committee was appointed to inform the Governor that the House was in session.

Joint Session

The Committee appointed to wait upon the Governor reported that the Governor was ready to address a Joint Session of the General Assembly.

The Senate entered upon the floor of the House and the Honorable Harry Lee Waterfield, Lieutenant-Governor and President of the Senate, assumed the Chair and called the Joint Session to order.

Prayer by Reverend Fred T. Moffatt, of the First Baptist Church of Frankfort.

Representative Day moved that the roll call be dispensed with. Agreed.

The Committee appointed to wait upon the Governor appeared with His Excellency, Albert B. Chandler, Governor of the Commonwealth of Kentucky, who took his place at the Clerk's desk.

The Governor addressed the General Assembly as follows:

In obedience to *the mandates of the Constitution* of the Commonwealth of Kentucky, it is the duty of the Governor to appear before the General Assembly from time to time to present information concerning the state of the Comonwealth and to recommend for their consideration such measures as the Governor may deem expedient. It is in keeping with this obligation that I appear before you on this the first day of the meeting of the 1956 legislature.

Twenty-two days ago, I became the Chief Magistrate of the Commonwealth. Twenty years ago, I learned that the time which elapses between the inauguration of the Governor and his first report to the legislative branch of the government is entirely too short a time for him to appraise precisely the condition of the Commonwealth. During my first term as Governor of Kentucky, I found it desirable to consider separately—and in extraordinary sessions—certain legislation which was indispensable to the program I had advocated as a candidate for Governor. My experience in that regard convinces me that the same procedure could be just as useful in my second term.

It is utterly impossible to explore the needs of each of the departments and agencies of the Commonwealth and to formulate a budget which reasonably would meet those needs in 22 days. It is equally impossible to formulate the vast road building program, which as a candidate I advocated, within the time between the inauguration and the convening of the General Assembly. More time will be required than has been available, to lay before you the legislation which I shall recommend for the reorganization of the state government.

These and, conceivably, other legislative matters upon which the success of the present administration may depend, will be presented to you specially. This does not mean that legislation important to the success of the administration will not be offered during the regular session, for, indeed, it will. It means only that these matters of surpassing importance shall be deferred for the special and undivided attention of your membership.

I want to compliment each of you on the opportunity that is yours to serve as the elected representatives of our people. I am pledged to do everything within my power to restore complete dignity and autonomy to the legislative branch of our government.

In order that we may, as soon as possible, consider these issues about which I have spoken, I hope you will conduct the affairs of the regular session with reasonable dispatch.

Immediately upon the conclusion of the regular session, I shall request you to assemble in extraordinary session for the consideration of matters which I deem to be of the greatest importance to the lives and happiness of our people.

The statutes of Kentucky contemplate that a budget report be submitted at the Regular Session of the General Assembly, but, for the reasons I have outlined, I am asking you to grant, by joint resolution, the time which is necessary to submit to you the Biennial Budget Report. Your indulgence in that regard will permit a more accurate appraisal of the existing situation and, a more detailed, competent and studied recommendation can be made for the next biennium.

It is well known to all of us that during 1955 I made a strenuous campaign throughout the length and breadth of Kentucky for election to the office of Governor. During that campaign, I promised the people of Kentucky that I would advocate certain definite legislation which, in my opinion, would improve the health and welfare of all. I want to assure you now that the statements I made during the campaign were not idle talk. They were sincere statements and it was my firm intention then, and it is my intention now, to see that the promises made to the people in 1955 are kept.

One of the first pledges made to the people of Kentucky was to do everything possible, as quickly as possible, to improve the educational opportunities of our children. I pledged the people that with your help we would provide a sufficient amount of money to implement fully the Minimum Foundation Program for education.

Since the inauguration, I have conferred with Dr. Robert R. Martin, our State Superintendent, in whom I have the greatest confidence, and we are in accord with the plans which will be submitted to you very soon for the improvement of education in Kentucky at all levels. Citizens are genuinely concerned with the plight of education and are determined to see that our program is improved.

I intend to dedicate the full four years of my administartion to develop and finance a complete and well rounded program in Kentucky which will compare favorably with other states having comparable resources.

We must continuously study our educational problems and our financial ability. I shall ask the General Assembly for whatever legislation is necessary to provide for an annual Governor's Conference on Education. Such a conference, composed of a cross-section of our citizens, including farmers, labor, business, industry and the school profession, will study our educational problems and make plans for the improvement of programs.

The Department of Education is rapidly getting its affairs in a position to remove its activities from partisan and professional politics. It is our wish to have every department to get their house in order so as to remove them from partisan politics. When they do, I will place these employees under a merit system and hope to get a retirement program for all of these employes.

The Teacher Retirement System was established during my first administration as Governor. There are many teachers who have devoted many years of their lives to teaching in the public schools of Kentucky and who have received inadequate salaries for their services. A strengthened teacher retirement system will help halt the exodus of teachers from Kentucky to better paying positions in other states. I shall recommend to the General Assembly an appropriation which will be adequate to implement the present teacher retirement fund to make it fully operative.

Our institutions of higher learning are faced with the problem of ever increasing enrollments. Big plans must be made for the future, for a big job lies ahead of them. I shall recommend to the General Assembly increased financial support for the University of Kentucky, the state colleges, the vocational schools and other state-supported institutions of higher learning.

I am no stranger to any section of the Commonwealth and I know full well the tremendous need of our people for improved medical services. In 1952, the Kentucky Legislative Research Commission asked a very pertinent question: "Does Kentucky need a state medical college?" The answer has now been given us in an unequivocal manner.

House Resolution No. 46, 1952 Regular Session, takes note of "an existing shortage of practicing physicians in many areas of the Commonwealth . . . the alleviation of such situations appears to depend on the Commonwealth's promptly and actively assuming its responsibility for providing facilities for the education and training of an adequate number of Kentuckians for the profession of medicine."

But in 1951 the Kentucky State Medical Association already had requested the American Medical Association to study the medical situation in the state and make recommendations. The American Medical Association appointed two eminent physicians, Dr. Donald G. Anderson and Dr. Francis R. Manlove, to conduct the study. Upon the conclusion of their studies, they reported as follows: "Expanding facilities for medical education in Kentucky constitutes the greatest need to improve medical care in the state. The most desirable way would be to establish a state medical teaching center at the University of Kentucky."

In 1952, the Governor appointed an Advisory Committee on Medical Education charged with the duty of conducting an investigation of the health requirements of the state and recommending solutions. This committee was composed of the following five eminent Kentucky physicians: Dr. Edward H. Ray, Chairman, Lexington; Dr. Branham B. Baughman, Frankfort; Dr. Clyde C. Sparks, Ashland; Dr. J. Vernon Pace, Paducah; and Dr. Clark Bailey, Harlan. After careful study this committee recommended: (1) that state aid to the Louisville medical school be continued; (2) that the rural medical scholarship fund be expanded; and (3) that a medical school be established as a part of the University of Kentucky.

Shall more time be spent in more committees making more studies and more recommendations? It has been three years since the last committee made its last recommendation. The time has come for action.

There is now a shortage of about 1,400 physicians in the state. This means that each Kentucky physician must take care of 470 more patients than the average physician elsewhere in the country. The situation is made more acute by the fact that the larger communities have more than their share of qualified medical skill. It is a pertinent fact also that a high percentage of the doctors in Kentucky are not native products but come from other schools in other states.

These statistics might not convey a sufficiently clear picture of what they mean in vital human conditions. There are several facts, however, which bring the picture into more vivid focus.

In 1949, over 5,000 births, the greatest majority in rural areas, occurred with no physician in attendance.

In infant deaths per 1,000 population, the Kentucky rate exceeds that of all but three states.

Army rejections give another dark picture. More than one out of every three Kentuckians examined for military service during World War II were found to be physically or mentally unfit to serve in the Armed Forces of the country. Compared to the national ratio, Kentucky ranks forty-first among the forty-eight.

The next important subject which touches the lives of our people is the system of highways. I have traveled the highways and the byways of the Commonwealth, and I am entirely familiar with the road situation which exists today.

During my first administration as Governor, I organized the first rural roads program for the benefit of our rural people. I then expressed hope that we could build farm-to-market roads that would get our farm people out of the dust in summer and out of the mud in winter. Great progress has been made in the Department of Rural Highways and I believe we are in a position to make, in the next four years, the greatest progress in this field that has ever been made in any comparable period in the history of our Commonwealth.

I should like to mention something of the present situation which confronts our Highway Department. The highway budget for the fiscal year ending June 30, 1956—one-half of which has expired—is $89.5 million, including Federal funds. One-half of the fiscal year is gone, but 77 per cent of all the money allocated to the Highway Department is expended or encumbered. An analysis of the various accounts in the Highway Department will illustrate the deficiency more dramatically. The maintenance fund is in reasonably good shape, for, in accordance with the law, it must be allotted on a quarterly basis. However, the construction funds are inexcusably out of balance. The budget for construction of Federal aid roads for the fiscal year is $25 million. All of this money has either been expended or encumbered with the exception of $1.4 million. Although only one-half of the fiscal year has expired, 94.57 per cent of the Federal aid construction money allotted to Kentucky for this period has been either expended or encumbered.

The state builds secondary roads without Federal assistance and has $6 million to spend for that purpose. In the first half of the fiscal year, 90 per cent of this fund has been spent.

The rural highway budget is comprised of an appropriation of $5 million and two-sevenths of the motor fuel tax. Of this fund, 91.82 per cent has been expended or encumbered during the first half of the fiscal year.

The equipment budget in the Department of Highways is practically exhausted. Little, if any, equipment other than parts and emergency replacements, can be acquired during the balance of the fiscal year.

I cannot avoid the conclusion that a deliberate effort was made by my predecessor to exhaust every construction account in the Highway Department during the time of his incumbency and—insofar as the construction of new roads is concerned—to leave this administration with a cupboard which is almost completely bare.

Faced with such a situation, which is not unlike the one I encountered in 1935, I have instructed the Commissioner of Highways, as well as the heads of every department and agency in the state government, to invoke the strictest economy—to effect savings wherever possible and otherwise to operate the department within the limitations which we have inherited. Any contract which calls for the expenditure of highway funds or other funds which does not conform strictly to the letter of the law will be canceled and all possible procedures will be invoked which will conserve the meager funds which are left.

A reorganization of the Department of Highways is needed badly. We believe, with one exception, that no new legislation will be required in order to permit the necessary reorganization. The exception is embraced in a bill which will be presented to you promptly. It provides for the appointment of eight Advisory Highway Commissioners whose duty it will be to survey the highway situation in the districts which they will serve with particular emphasis on rural roads.

I have always thought that the people of Kentucky were entitled to a representative of the Department of Highways closer to them than Frankfort. These Advisory Commissioners will hear the petitions of our people for roads and, in turn, will transmit these petitions to the Commissioner of Highways with appropriate recommendations. The engineers and technicians of the department will be relieved of policy-making decisions and their time can be devoted entirely to the building of roads and the technical aspects of the department for which they are well trained and well fitted.

There is another aspect of the Department of Highways which gives me great concern and that is the so-called Kentucky Turnpike. This road extends from the South limits of Louisville to Elizabethtown, Kentucky, a distance of approximately 38.5 miles. It was constructed at a cost of about $40 million, for which revenue bonds were issued. I have been on this road within the last few days. The road cannot be opened for travel until about mid 1956.

I am hopeful, but not convinced, that the tolls from this road will meet the obligation which its construction has created. I am told that in order to meet the bond maturities and bond interest, 10,000 vehicles per day must travel over this highway. Everything humanly possible will be done to see that this road produces the required revenues, and I hope that I shall be able to report to the 1958

General Assembly that the Kentucky Turnpike has been a success.

Notwithstanding legal technicalities and finely drawn distinctions, it must be remembered constantly that the faith and credit of the Commonwealth is pledged with every obligation, direct or otherwise, which the Commonwealth incurs. To fail in repayment, under any ruse or device, destroys the integrity of the state and offends the first precepts of basic honesty. The faith and credit of the people of Kentucky have been pledged by the preceding administration to pay the cost of the Kentucky Turnpike.

Debt, personally or publicly, should be contracted soberly and after much consideration. I am alarmed at the extent of the obligations of the Commonwealth—of one kind or another—and apprehensive that at sometime in the near future or distant future these debts, which should only be contracted after an approving vote of the people, may create a great burden upon the resources of the Commonwealth. It must be remembered by all of our people that no Governor is authorized or empowered to place a burden of debt upon the people in excess of $500,000 unless they vote approval of such indebtedness.

Recently, I personally inspected the Kentucky State Fair grounds and I must tell you of my deep concern with respect to this new state endeavor. It will require wise and energetic management to meet the obligations which have been incurred by the present State Fair Board during its incumbency. When completed, this project will have cost the people of this Commonwealth $14 million. I am told that somewhere between $800,000 and $1 million will be required to complete this project. In addition, it must produce a net profit of approximately $400,000 per year in order to meet the obligations which have been created to finance it. The feasibility report of competent engineers indicates that this project can be made self-liquidating and my administration will spare no effort to bring about this desired result.

Construction on this project will be completed at the earliest possible time and, while at the moment it appears doubtful, I believe there is an even chance that completion may be accomplished in time for the 1956 State Fair to be held at the new Fairgrounds. Our study of this project is proceeding, and it may be that before you have finished your work I shall ask consideration of legislation designed to insure the liquidation of the State Fair obligations.

Great preparations are being made for the Southern Exposition, which we intend to hold at the State Fairgrounds in Louisville during 1957. Recently, I have conferred with Mayor Broaddus, Judge Van Arsdale and other officials of Louisville and Jefferson County, and I have been assured by them of their wholehearted support in this project. We must make 1957 a great year for Louisville and a great year for Kentucky.

During the campaign, I specifically promised the people of Kentucky that I would do everything within my power to encourage industry to locate here. Even before the inauguration, I met with many industrialists and have held many conferences with them to discuss the possibility of locating their businesses in Kentucky. Great progress is being made.

We are planning a research program which will be partially financed by the State and by contributions of interested citizens and by additional contributions from the Armour Institute. A survey of our economic situation, of our situation in the coal fields, and of our farm situation will proceed with reasonable dispatch; and when the surveys are completed, we shall undertake to safeguard our people against the possibility of a regional depression. It is our firm intention to use the Agricultural and Industrial Development Board and to take full advantage of its research and information. I intend to ask unselfish businessmen to give us their time and the benefit of their knowledge to help bring about a better situation in industry in Kentucky and to make arrangements so that businesses located here can live in peace with labor and make a reasonable profit for those who are willing to invest their money in the future of Kentucky.

All of us are distressed by the farm situation and the continuing drop in farm prices. One-third of the people of Kentucky live on the farm and derive the main part of their livelihood from agriculture. We have pledged ourselves to a program of research for new uses of tobacco and methods of expanding our markets for other agricultural products. This we must do.

On December 14, 1955, the day following my inauguration, the Department of Finance was requested to allot appropriations involving more than a dozen construction or land acquisition projects which had been authorized by the Property and Buildings Commission on December 9. The Commissioner of Finance found that the Commission lacked sufficient funds for this purpose by about one-third of a million dollars. An effort was made to balance the records of the Commission with the official state accounts, and even though the services of a Certified Public Accountant were utilized, the task was not accomplished until December 29. Even today, some of the construction commitments extending beyond the present fiscal year have not been identified, despite the most vigorous efforts to ascertain the amount of money which will be required to salvage state property which should be preserved.

The situation of one project, which is now clear, will demonstrate the predicament. The sum of $469,000 had been authorized for the construction of a lodge at Butler State Park in Carroll County, but no financial provisions have been made for facilities essential to the operation of the Lodge amounting to an estimated $183,612. These facilities include items which were omitted from the building contract, such as equipment, sewage lines and disposal facilities and other such facilities which are essential to operation. To make this project useful to our park system, money necessarily must be provided in the appropriation for the next fiscal year to complete the undertaking.

This administration has not yet been able to ascertain whether or not a similar situation exists in connection with other projects. Money has been advanced by the Property and Buildings Commission to other agencies of the State with an agreement that these agencies will repay the advancements, but considerable time will be necessary to permit their repayment by the involved agencies. It is perfectly apparent that the Property and Buildings Commission must be completely reorganized and that a good deal more information must be gotten with respect to its operation.

During my first administration as Governor of Kentucky, I inaugurated the practice of providing an emergency appropriation to the Governor of such an amount as was thought necessary to meet any unforseen or unusual situations that might occur between sessions of the General Assembly. This appropriation was not intended to displace or substantially augument normal appropriations which are made by the General Assembly and which, constitutionally, can be made by the General Assembly.

During the years which intervened since my first administration, the practice has grown up of appropriating to the Governor's emergency fund large amounts of money which are then used by the Governor to implement the ordinary appropriations made by the General Assembly as the Governor may see fit. Here again, the cupboard is bare.

The last session of the General Assembly made available to the Governor an aggregate emergency appropriation for the present fiscal year, including a balance of $3,667,940 from the preceding year. The free balance remaining uncommitted in the Governor's emergency fund on December 13, when I became Governor, was $19,149.45. A small amount of money committed by my predecessor was not spent by the agency to which the allocation was made before December 13 and has been recovered. It may be that small amounts may hereafter be recovered but, for all practical purposes, the Governor's emergency fund is exhausted. More than $2,000,000 of the Governor's emergency fund has been used for capital outlay or expenditures of the state government which are non-recurring.

In the message which shall be transmitted to you with the proposed budget for the next fiscal year, I shall request a reasonable appropriation to the Governor's emergency fund to meet such unforseen on unusual situations as may occur before you convene in 1958. Any appropriation which you shall make for those purposes shall be used in the manner for which the emergency fund is intended.

All of you know of my intense interest in the health and welfare of all our people and especially in those unfortunate sons and daughters of our's who must for any reason be kept in a charitable, penal, or eleemosynary institution of the Commonwealth. I know you will remember that substantial progress was made in the treatment of the mentally ill during my previous administration. All of you know that it was during that period that our prisons were rebuilt. I have not had an opportunity to know first-hand of the present conditions in these institutions, but I want your help immediately.

I now ask you to appoint, at the earliest possible moment, a joint committee to investigate the situation in the charitable, penal, and eleemosynary institutions in the Commonwealth. I want you to require a report at the earliest possible time to be made to the General Assembly and to the Governor. I am most anxious to rehabilitate these institutions. Commissioner Allphin, of the Department of Welfare, as well as the Governor and his staff, will cooperate with you in every way possible. Dr. Gaines and Dr. Underwood will give their full cooperation and support. We should have these recommendations as soon as possible so that the Governor may request that you deal with these problems during one of the ensuing sessions.

I am alarmed by the reports in the public press to the effect that certain companies licensed in Kentucky to sell insurance other than life have failed, causing great loss to Kentucky insurers and Kentucky agents. Litigation in other states, as reported in the public press, causes me to recommend to you that the affairs of the Insurance Department be investigated by you and that you report your findings to the General Assembly and to the Governor.

We are fortunate in the Commonwealth of Kentucky to have at the head of the Department of Economic Security the same Commission that was named by me in 1936 when the first unemployment compensation law was passed in order to conform to the Federal law. It is the only commission in the United States still intact after the passage of twenty years. I need more time in order to study and present to you programs of service to needy children and child welfare generally. I have a feeling that under the wise management of this Commission we can save from $200,000 to $250,000 a year in the operation of these agencies during the next four years.

During 1955, from every court house and speaker's platform in Kentucky, I promised our aged people that I would ask the General Assembly when it convened in 1956 to cancel the so-called Lien Law. A lien is now required before some of our older people can qualify for old age pensions. I now ask that you forthwith cause to be canceled the lien provisions of this law.

The loss of lives and limbs on the highways of the Commonwealth is appalling. Hardly a day passes that the homes of our people are not distressed by the untimely death of some of our citizens on the highways. There is, in the making, the most efficient State Police that we have ever had. It is greatly understaffed and undermanned, but it has fine direction. In order to cope with the highway safety problems, it is our intention to establish a Department of Public Safety at the earliest possible moment. This department will seek to cut down rapidly the dreaded killer on the highways.

The local governments have many problems and it is our duty to help solve these where at all practicable. Mayor Broaddus and Judge Van Arsdale have drainage problems in Jefferson County. These problems must be solved in order to help our people. Efficient local government is needed and necessary for the efficiency of our people.

As indicated in the beginning, the purpose of this report is to give you a general idea of the situation which now confronts us. From time to time I shall submit to you supplemental reports and requests as the occasion may require. We are determined to prepare and submit to you a sane and sensible budget which will provide adequately for public education, public health, and public welfare. It must be remembered that these branches of the government take approxiamtely 86 per cent of the general fund tax dollar.

And now we are ready to go to work. It goes without saying that the executive branch of the government will work in close cooperation with the legislative branch. I know the importance of cooperation between us, for it is only in the spirit of cooperation that we may achieve the benefits which will flow from our joint efforts. The Governor and his staff, the Lieutenant Governor and his staff, and all of us comprising the executive branch of the state government, will be available to you for consultation, advice and concerted action. Acting together in a concerted effort, we will not fail.

May I again compliment you upon your opportunity to serve the people. The lives of three million people can be greatly benefitted by our actions here. I hope and pray that each of you may make a maximum contribution to the health and welfare of the people during your service here.

There is a destiny that holds the lives of all of us in the hollow of his hand. It is our purpose to ask Almighty God to bless daily the deliberations of the General Assembly, and I feel certain that if we will lift up our hearts and our prayers to Him that He will guide our steps aright.

Mr. Morgan moved that the Joint Session of the General Assembly do now dissolve. Agreed.

The Speaker resumed the Chair and called the House to order.

Introduction of Bills and Resolutions

The following Resolutions were introduced:

HR B, by Representative Morgan, A RESOLUTION relating to extending an invitation to the pastors of Frankfort churches to open sessions of the House of Representatives with prayer.

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Sergeant-at-arms be directed to invite the pastors of the various churches to attend the meetings of this House and open the sessions thereof with prayer.

Mr. Morgan moved adoption of **HR B.** Agreed.

HR C, by Representative Morgan, A RESOLUTION adopting permanent rules to govern the 1956 regular session of the House.

HB 1, by Representatives Morgan, Newsom, John B. Reed, Thompson, Hays, Freeman, Hill, Martin, Greene, Moore, Mullins, Caudill, Gullette, Blue, Hilton, Bush, McFadden, Thomas, Mackey, Conrad, Dunsil, Hinkle, Peace, Hahn, Hislope, Vernon Reed, Cottengim, Isler, McCallum, Cornett, Buchanan, Sloan, Jennings, Gay, Heskamp, Bates, Grisby, A. W. Wells, C. S. Howard, Rayburn, Qualls, Blankenship, Hawkins, Stith, Kubale, L. B. Wells, McKinney, Casey, Johnson, Beshear, AN ACT relating to public assistance.

HB 2, by Representative Morgan, AN ACT relating to the Governor's budget report, and declaring an emergency.

HB 3, by Representative Morgan, AN ACT relating to the General Assembly and declaring an emergency.

HB 4, by Representative Morgan, AN ACT relating to public printing and declaring an emergency.

The Speaker appointed the following Committee:

To Study the Rules—Morgan, Beshear, Holsclaw, Freeman, Searcy, Gullette, Grigsby, Buchanan, Howard, Harris, Hinkle, Weintraub.

Representative Morgan moved to adjourn until 1 P.M., January 4. 1956. Agreed.

WEDNESDAY, JANUARY 4, 1956

SECOND LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by the Reverend Fred T. Moffatt, of the First Baptist Church, of Frankfort.

The Roll was called. All present except Barnum, Lambert, Nunnelley, Qualls, Rayburn.

The Journal for January 3, 1956, approved.

Introduction of Bills

HB 5, by Representative Mackey, AN ACT relating to revenue and taxation.

HB 6, by Representative Mackey, AN ACT relating to venue of action for alimony or divorce.

HB 7, by Representative Breathitt, AN ACT relating to surviving spouse's interest in the estate of deceased spouse.

HB 8, by Representative Day, AN ACT relating to real estate brokers and salesmen.

HB 9, by Representative Day, AN ACT relating to licensing of motor vehicles owned by volunteer fire protection units, and amending subsection (3) of Section 186.240 of the Kentucky Revised Statutes.

HB 10, by Representative Isler, AN ACT relating to the sale of fireworks.

HB 11, by Representative Caudill, AN ACT relating to accounting and settlement by guardian of the ward's estate.

HB 12, by Representative McFadden, AN ACT relating to juries.

HB 13, by Representative McFadden, AN ACT relating to compensation of election officers.

HB 14, by Representative Caudill, AN ACT relating to public assistance.

HB 15, by Representative Sloan, AN ACT relating to taxation.

HB 16, by Representative Sloan, AN ACT relating to record books and supplies required by circuit court and county court clerks.

HB 17, by Representative Sloan, AN ACT relating to marriages.

HB 18, by Representative Burnley, AN ACT relating to elections.

HB 19, by Representative Burnley, AN ACT relating to the reappraisal for ad valorem taxes in cities, counties and other taxing districts.

HB 20, by Representative A. W. Wells, AN ACT relating to the control of Johnson grass on state right of ways.

HB 21, by Representative A. W. Wells, AN ACT relating to railroad company right of ways.

HB 22, by Representative A. W. Wells, Wilson, AN ACT pertaining to taxes on cigarettes; repealing certain sections relating thereto.

HB 23, by Representative A. W. Wells, AN ACT relating to county right of ways.

HB 24, by Representative Thomas, AN ACT changing the classification of the City of Dry Ridge, in Grant County.

HB 25, by Representative Thomas, AN ACT relating to education.

HB 26, by Representative Newsom, AN ACT relating to the office of county judge.

HB 27, by Representative Newsom, John B. Reed, AN ACT relating to compensation by county commissioners.

HB 28, by Representative Newsom, John B. Reed, AN ACT relating to county government.

HB 29, by Representative Newsom, AN ACT causing the mechanical inspection of motor vehicles and fixing the time, manner and place of inspections in the State of Kentucky.

HB 30, by Representative Cornett, AN ACT relating to public assistance.

HB 31, by Representative Cornett, AN ACT relating to the terms of court; in the Thirty-sixth Judicial District.

HB 32, by Representative Wathen, AN ACT relating to public property.

HB 33, by Representative Wathen, AN ACT relating to the taxation of gasoline used as motor fuel in boats and other watercraft.

HB 34, by Representative L. B. Wells, AN ACT relating to record books required by circuit court and county court clerks.

HB 35, by Representative L. B. Wells, AN ACT relating to custody, support and treatment of incompetents.

HB 36, by Representative Mackey, AN ACT relating to absent voting, and amending Sections 126.140, 126.150, 126.160 and 126.210 of the Kentucky Revised Statutes.

HB 37, by Representative Johnson, AN ACT relating to taxation in cities of fifth and sixth classes.

HB 38, by Representative Thompson, Hinkle, AN ACT relating to taxation.

HB 39, by Representative Breckinridge, Ockerman, AN ACT relating to grounds for divorce.

HB 40, by Representative Morgan, AN ACT relating to the Workman's Compensation Board.

HB 41, by Representative Johnson, AN ACT relating to the control of Johnson grass on state right of ways.

Report of Committees

The Special Committee on Rules reported **HR C** with the expression of opinion that the same ought to pass with amendments.

HR C, A RESOLUTION adopting permanent rules to govern the 1956 regular session of the House.

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That the attached rules are adopted as the permanent rules to govern the House during the 1956 session of the General Assembly, superseding the rules under which the House has operated.

PROPOSED RULES
HOUSE OF REPRESENTATIVES
1956 REGULAR SESSION

Sessions of the House

Rule 1. Hour of Meeting. The House shall meet at 1 P.M., except on Monday, when it shall meet at 8:00 P.M. The official time shall be governed by the clock over the main entrance to the House Chamber.

Rule 2. Quorum. A majority of the Members elected to the House shall constitute a quorum. If a quorum is not present at the time fixed for a meeting of the House, five Members may adjourn or recess from day to day or from time to time and fifteen Members may order a call of the House and send for absent Members.

Rule 3. Call of the House. Upon a call of the House the Clerk shall call the roll, then call the absentees again. The doors of the House Chamber shall then be closed and the absentees not excused by the House may be sent for and arrested by the Sergeant-at-Arms and the House shall determine upon what conditions they shall be discharged from arrest. Members who voluntarily appear shall be immediately admitted to the floor of the House and their names entered upon the Journal as present, unless the House otherwise directs.

Order of Business

Rule 4. Order of Business. The order of business shall be as follows:

1. Invocation.
2. Roll Call.
3. Reading and Approval of the Journal.
4. Motions, Petitions and Communications.
5. Report of Committees.
6. First Reading of Bills.
7. Second Reading of Bills.
8. Orders of the Day.
9. Announcements.
10. Reference of Bills to Committees.

No more than thirty mintues shall be allotted to Motions, Petitions and Communications.

Rule 5. Unfinished Business. Unfinished business which was being considered upon adjournment shall have precedence in the class of business to which it properly belongs upon the next succeeding legislative day.

Motions

Rule 6. Reading of Motions. When a motion has been made and seconded, it shall be stated by the chair, or, being in written form, it shall be read by the Clerk before debate, amendment or motion concerning it shall be in order.

Rule 7. Withdrawal of Motions. Every oral motion after it has been stated by the Speaker, and every written motion, bill, resolution or other paper, after it has been read by the Clerk, shall be the property and in possession of the House, and shall not be withdrawn without consent of the House. Every written motion, report or measure may be committed or recommitted at the pleasure of the House.

Rule 8. Order of Questions. All questions, whether in Committee of the Whole or in the House, when not a privileged question, shall be propounded in the order in which they were moved, except that in filling blanks the smallest sum and the most remote date shall be put first.

Rule 9. Precedence of Motions. When a question is under consideration, no motion shall be in order except.

1. To fix the time to which the House shall adjourn.
2. To adjourn.
3. To take recess.

4. To lay on the table.
5. For the previous question.
6. To postpone to a fixed time.
7. To commit.
8. To amend.
9. To postpone indefinitely.

The above several motions shall have precedence in the order in which they are arranged and the first five of them shall not be debatable.

A second motion to adjourn, to take a recess, to lay on the table, for the previous question, to postpone to a time certain, to commit or to postpone indefinitely shall not be in order on the same day, upon the same question, and at the same status unless other business intervenes; provided, however, that amendments may be made to the time to which it is proposed to adjourn, to take a recess or to postpone.

Rule 10. Motion to Strike out Enacting Clause. A motion to amend by striking out the enacting words of a bill or resolution shall have precedence over a motion to amend; and, if adopted, shall have the same effect as though the bill or resolution were regularly voted upon and rejected.

Rule 11. Motion to Adjourn. A motion to adjourn, to take a recess, or a motion to adjourn to a time certain, shall always be in order, except when a Member is speaking or while a vote is being taken; subject, however, to the limitation set out in Rule 9.

Rule 12. Previous Question. When the previous question has been ordered, a vote shall be taken immediately upon the pending measure and such pending amendments as are in order. The effect of the previous question shall be to put an end to all debate; to prevent the offering of additional amendments and to bring the House to an immediate vote upon the measure and amendments aforesaid. The previous question may be ordered by a majority of the Members elected. On the call of the roll, no Member shall be allowed to speak more than three minutes to explain his vote and shall not speak at all if the question is not a debatable question. After the previous question has been ordered, and before the vote upon the main question, the opponents of the measure shall have ten minutes, and the proponents of the measure shall have ten minutes.

Rule 13. Motion to Separate Part of a Measure. A motion to commit, recommit, or postpone a part of a measure so as to separate that part of the measure from the remainder shall not be in order.

Rule 14. Motion to Reconsider. A motion to reconsider a vote shall not be in order unless made by a Member who voted upon the prevailing side of the question; nor shall such motion be in order unless made within two legislative days in which the House is in session next after the day the vote was taken; however, the motion to reconsider when coupled with the additional motion to lay that motion upon the table may be made by any Member.

Rule 15. Postponement of Measures. When a measure shall have been postponed indefinitely it shall not be in order again during the session.

Rule 16. Reading of Pending Papers. Any pending bill, resolution, motion or report shall be read by the Clerk upon the demand of any Member, but it shall not again be read on the same day unless so ordered by the House.

Rule 17. Nominations. In all elections a previous nomination shall be made.

Members

Rule 18. Attendance of Members. No Member shall absent himself from a session of the House without leave from the House.

Rule 19. Decorum of Members. No Member shall designate another Member by name.

Rule 20. Call to Order. If any Member, in speech or otherwise, transgress the rules of order or decorum, he shall immediately be called to order by the chair and shall take his seat. The Clerk shall reduce the objectionable words to writing and read them to the House. After hearing a short explanation from the Member called to order, or upon the withdrawal of the objectionable language, the Speaker may permit the Member to proceed, or may compel silence upon him until the matter is disposed of. The ruling of the chair shall be subject to an appeal to the House. A Member offending the House shall be liable to censure.

Rule 21. Debate. No Member may speak more than once to the same subject until all Members desiring to be heard have spoken, but nothing in this rule shall do away with the previous question if then in effect, nor permit debate on an undebatable motion.

No Member shall speak more than thirty minutes in the aggregate on any question or measure, at the end of which period, or any portion thereof, the floor shall be returned to the Speaker.

Rule 22. Members shall Vote at Seats. A Member shall vote only when at his seat or visibly approaching it.

Officers and Employees

Rule 23. Duties of Speaker. The Speaker shall take the chair every day precisely at the hour fixed for the meeting of the House and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read, unless the reading of the same is dispensed with by the House.

The Speaker shall preserve decorum and order and, in the event of any disorder in the gallery or in the House Chamber, may cause the same to be cleared of any persons creating disturbances or disorders.

All writs, warrants, subpoenas or other processes shall be signed by the officer who may be presiding over the House when the paper is issued; and his signature shall be attested by the Clerk, when ordered by a majority of the Members.

The Speaker shall appoint all committees and refer bills to committees.

Rule 24. Appeal from Decision of Chair. The Speaker while presiding, may speak to points of order in preference to Members. He shall decide points of order and manner of procedure. If two or more Members arise from their respective seats and address the chair, the Speaker shall determine who was first and recognize him. Any decision made by the Speaker shall be subject to appeal to the House. Every such appeal shall be in writing and signed by at least two Members. During the pendency of an appeal to the House from a decision of the chair, the Speaker shall vacate the chair and call the Majority Caucus Chairman to preside.

Rule 25. Speaker Pro Tempore. If the Speaker is to be absent from the House, he shall name a Member to perform the duties of the chair, but such Speaker Pro Tem shall not be empowered to act beyond a period of five legislative days and each such designation shall be in writing filed with the Clerk.

Rule 26. Duties of Clerk. The Clerk shall have charge and supervision of all the clerical business of the House. He shall have charge of the Clerk's section of the House Chamber and shall see that no one is permitted therein except himself and those assisting him. Half an hour before the time fixed for the meeting of the House each day, the Clerk or one of his assistants shall be present at the Clerk's desk with the minutes of the preceding session for the inspection of any Member of the House.

The Clerk shall read to the House papers ordered to be read; call the roll and note and report the absentees when a call of the House is ordered; call the roll and note the answers of members when a question is taken by yeas and nays; assist the Speaker in taking the count when any vote of the House is taken; notify committees of their appointment and business referred to them; attest all writs, warrants and subpoenas issued by order of the House; keep a calendar showing such bills as are entitled to their second reading each day, distinguishing between House and Senate bills; superintend the engrossing and enrolling of bills; certify to the passage of all bills and to the adoption of all joint and concurrent resolutions by the General Assembly; and make all reports to the Senate, unless otherwise ordered.

Rule 27. Journal of Proceedings. The Clerk shall cause to be kept the Journal of the proceedings of the House. The Clerk shall note upon the Journal all questions of order, together with the disposition of same, and the dates upon which all bills and resolutions were sent to committee and returned to the House. The House may correct errors in the Journal the day the Journal containing errors is presented to the House. No record which is in the hands of the Clerk and is required by law to be entered upon the Journal of the House shall be copied by any person until same shall have been entered upon the Journal and said Journal shall have been approved.

The Clerk shall transmit the Journal for each day as soon as it has been approved by the House to the Legislative Research Commission, which shall deliver it to the public printer. The Commission staff shall proofread the Journal upon return from the printer and make necessary typographical corrections.

Rule 28. Custody of Papers. The Clerk shall have custody of all records, papers and bills of the House and shall not allow them to be taken out of his possession without the leave of the House, unless to be delivered to the chairman of a committee to which they have been referred or to the public printer, and then he shall take a proper receipt therefor. He shall endorse on bills and papers brief notes of proceedings had thereon by the House and preserve the same in convenient files for reference.

Rule 29. Accounts of Expenditures. The General Assembly shall choose, a Payroll Clerk who shall keep the accounts for pay and mileage of members, officers and attaches, and for printing and other contingent expenses of the House and Senate and prepare and sign warrants or requisitions for the same. The Payroll Clerk shall be attached to the staff of the Legislative Research Commission, which shall afford him such assistance as may be necessary to keep accurate and permanent accounts.

Rule 30. Printing of House Papers. The Clerk shall have supervision and charge of all printing done for the House and the public printer shall print only such documents and other matter as the Clerk authorizes. He shall report to the Speaker, to be submitted to the House, every failure of the printer to execute work correctly and promptly. The Bill Clerk of the House shall, upon receipt of any printed bill from the public printer, take the same immediately to the Clerk's office and there procure the second copy of the bill introduced by which to proofread the same; and, upon finding any typographical error, shall return the printed bills to the public printer with his signed statement "Acceptance refused by reason of typographical error."

Rule 31. Duties of the Sergeant-at-Arms. It shall be the duty of the Sergeant-at-Arms and the Doorkeeper to exclude or remove all persons not entitled to the floor of the House. Thirty minutes before convening of the House each day the Sergeant-at-Arms shall announce in a loud, distinct voice: "All persons not entitled to the floor of the House under the rules thereof will now vacate the House Chamber." He shall then compel all persons who are not entitled to remain therein to leave the House Chamber and shall prohibit their entry until thirty minutes after the House has adjourned.

Rule 32. Conduct of Employees. All the employees of the House, except the assistants to the Clerk, shall, one hour before the meeting of the House each day, report to the Sergeant-at-Arms, who shall report to the Speaker whether or not all of said employees are on duty. The Speaker, whenever he deems it necessary, shall report to the House any dereliction of duty. No officer or employee of the House shall receive any fee, tip or compensation from any Member and violation of this rule shall be ground for dismissal.

Committees

Rule 33. Standing Committees. The following shall be the standing committees of the House:

Agriculture and State Fair
Appropriations
Banking and Insurance
Claims
Conservation
Education
Enrollment
Executive and Legislative Affairs
Health and Welfare
Judiciary
Labor and Industry
Military Affairs and Civil Defense
Municipalities
Public Utilities
Revenue and Taxation
State and County Government
Suffrage, Elections and Constitutional Amendments
Transportation and Highways
Ways and Means

Rule 34. Committee on Claims. All resolutions to authorize the filing of suits or payment of claims against the Commonwealth or any department or agency of the State shall, upon their introduction, be referred by the Clerk to the Committee on Claims. Each person seeking to obtain such authorization for suit shall file with the Committee on Claims a statement, duly sworn and subscribed to, in which all the facts and circumstances connected with the cause of action on which such person seeks to recover are set forth; and such statement shall set forth a prima facie case against the Commonwealth of Kentucky or any department or agency of the State, before the Committee shall report such resolution with the expression of opinion that the same should pass.

Rule 35. Rules Committee. No bill shall be considered by the House during the last fifteen legislative days of the session of the House or during any special session except upon the recommendation or report of the Rules Committee previously obtained, nor shall the House consider any bill originating in the Senate during the last fifteen legislative days of the session of the Senate or during any special session except upon the recommendation or report of the Rules Committee of the House previously obtained, unless otherwise ordered by a majority of the members elected to the House. The Rules Committee shall determine the order in which bills shall be taken up and considered during the last fifteen legislative days.

If and when the time be fixed for the sine die adjournment of the session of the General Assembly, the last fifteen legislative days shall be held and construed to mean the last fifteen legislative days next prior to the time so fixed. If the resolution be adopted for sine die adjournment within fifteen days of the time fixed for such adjournment, then the Rules Committee shall take charge for such lesser number of days as may remain from the time such resolution for sine die adjournment is adopted and the time fixed for such adjournment.

The Speaker of the House shall act as chairman of the Rules Committee. The Majority Floor Leader of the House shall act for the Rules Committee in calling from committee any bills or resolutions and shall be recognized by the Speaker for said purpose during all times that the Rules Committee is in charge.

Rule 36. Committee on Conference. When a House bill has been amended in the Senate and the House refuses to concur in said amendment, or when a Senate bill has been amended by the House and the Senate refuses to concur in said amendment, and when neither will recede from such action, the Speaker shall appoint a Committee on Conference to meet a like committee from the Senate. The Committee on Conference shall confer with the Senate Committee and report back to the House within a reasonable time, in the same manner as reports are made for House bills. The conference report shall be voted upon, and, if adopted the bill shall immediately be put upon its final passage.

Rule 37. Appointment of Committees. The Speaker shall appoint the members of all standing and special committees and shall fill any vacancies thereon. The Speaker shall select members distributed as equally as possible from among Congressional districts, and in proportion to the representation of each political party in the House.

Rule 38. Meetings of Committees. No committee except the Committee on Enrollment and a Committee on Conference between the House and Senate shall sit while the House is in session, unless by consent of the House. The Committee on Enrollment may report at any time except during roll call or while a vote is being taken.

The Speaker, in conference with committee chairmen, shall schedule a definite time and place for the meetings of each committee, such schedule to be posted in the House Chamber and published in the **Legislative Record.** A committee shall meet at the scheduled time and place so long as business is pending before the committee.

The Chairman shall keep a record of the attendance of members at meetings, which record shall be filed with the Clerk.

A secretary and legal counsel shall be assigned to each committee.

Rule 39. Committee Reports. Every committee shall report the disposition of every bill and resolution referred to it as promptly as possible. Upon the call of standing committees, the Clerk or the Chairman or ranking member, of the committee may report the bill in the following manner:

"With the expression of opinion that the same should pass," or,

"With the expression of opinion that the same should pass, with the committee amendment attached thereto," or,

"With the expression of opinion that the same should pass, with the committee substitute attached thereto," or,

"With the expression of opinion that the same should not pass," or,

"Without expression of opinion."

Rule 40. Majority and Minority Reports. It shall require a majority of the committee membership to report a bill favorably. The chairman shall keep a record of the vote of each member on the disposition of each bill, and shall report the total vote on each side to the House. The chairman may sign reports on behalf of a majority of the committee members and his signature shall attest to the action of a majority but shall not be construed as his personal approval or disapproval of the bill.

A committee report may be accompanied by a minority report, signed by those members who have dissented from the committee's report, and it shall be in order to move the adoption of the minority report as a substitute for the committee's report when the committee offers its report. It shall require a majority of the members elected to adopt the minority report. The committee's report shall always be read before the minority report is read.

Rule 41. Failure to Report. Whenever a committee fails or refuses to report within a reasonable time a bill submitted to it, the same may be called up by any Member and considered as if it had been regularly reported if a majority of Members elected to the House concur therein.

Rule 42. Procedure in Committee. The rules of procedure in the House shall be observed in committee in so far as the same are applicable.

Bills and Resolutions

Rule 43. Form of Bills. All bills shall be typewritten, with one original and four distinctly legible copies. The original shall be the official bill, and shall be retained in the office of the Clerk. The second copy shall be used for committees. The third copy shall be for the use of the press and shall be kept in the office of the Clerk in some convenient place for this purpose. The fourth copy shall be provided to the Legislative Research Commission; and the fifth to the bill drafting section of the Commission. All copies shall be backed with a protective cover, as provided for this purpose by the Legislative Research Commission. The title of the bill, or a portion thereof, and the signature of the Member introducing the bill shall be placed on the cover.

Rule 44. Introduction of Bills. Bills and resolutions may be introduced by filing them with the Clerk at any time that his office is open. The Clerk shall number bills in the order received, record their introduction, and transmit a copy immediately to the Speaker for reference to committee.

Rule 45. Reference of Bills. The Speaker shall refer all bills to the proper standing committee not later than the second day in which the House is in session after the date of introduction. When a House bill has been amended in the Senate and has been returned to the House for concurrence in the amendment, it may be referred to a committee in the same manner as original bills are referred. Bills originating in and passed by the Senate when reported to the House shall be referred to the Speaker and shall take the same course as other bills.

Rule 46. Printing of Bills. Upon receipt of a bill, a committee shall examine the form of the bill to ensure that it is free from errors of form or typography. The Legislative Research Commission shall likewise examine bills, and certify them to the committee. If a formal change is necessary, the committee shall request the sponsor of the bill to sign a form approving the specified changes. If a bill is found to be correct, or corrections have been approved, the Chairman shall authorize its printing.

The Clerk shall have printed two hundred copies of each bill or resolution carrying the force and effect of law introduced in the House and of each bill or resolution carrying the force and effect of law acted on by the Senate and reported to the House. Bills shall be printed in the order in which they are certified by committee and distributed to Members immediately upon receipt from the printer. No bill shall be copied or distributed by any person until the same shall have been printed and returned with the printed copies thereof to the Clerk.

Rule 47. Readings of Bills. If a bill be reported with the expression of opinion that it should not pass, or without expression of opinion, a vote may then be taken whether it shall be read at length and be placed on the Calendar, if a majority of the Members elected to the House shall concur therein. When reported favorably by the committee, the bill shall then be given its first reading at length and shall be placed by the Clerk upon the Calendar to be kept by him, and shall then be entitled to its second reading the next succeeding legislative day.

Every bill shall be read at length on three different legislative days; but the second and third readings thereof at length may be dispensed with by a majority of all the members elected to the House and the bill read by its title.

Rule 48. Calendar. The Clerk shall keep a Calendar for each legislative day of the session showing the bills entitled to a second reading upon that day and shall post conspicuously the number of all bills recommended for said Calendar by the Rules Committee and the numbers of all bills placed in said Calendar by the Committee of the Whole House.

Bills or resolutions authorizing suits or claims against the Commonwealth shall automatically be placed upon a separate Calendar to be made a special order of business at a time ordered by the House.

Rule 49. Orders of the Day. When a bill has had its second reading it shall be placed in the Orders of the Day, or be recommitted, and when next reached in the House it shall be ready for recommitment, or to be read a third time and placed upon its passage, and the Speaker shall so announce to the House.

A bill may be recommitted or amended at any time before its passage. Bills shall be placed in the Orders of the Day in the order in which they have been given their second reading, and shall be taken therefrom in that order, unless otherwise ordered by a majority of Members elected. When a House bill is in the Orders of the Day, it shall be in order on motion of the author to substitute an identical Senate bill which is in the Orders of the Day of the House.

Rule 50. Final Pasage. When a House bill has been amended in the Senate and the House has concurred in the amendment, the bill as amended shall immediately be placed upon its passage.

Rule 51. Amendments to Bills. All amendments offered shall be on sheets with a proper heading printed in blank, furnished by the Clerk, and shall bear the name of the members offering the same. All amendments shall give the proper page and line of the printed bill. No amendment shall be in order that is not germane to the matter under consideration; and the Speaker, when the question is raised, shall rule as to the admissibility of the proposed amendment, subject to appeal to the House.

Rule 52. Engrossment of Bills. Every House bill and joint resolution, together with the amendments thereto, which has been passed by the House and not subject to further amendment or motion, shall be engrossed by the Clerk and so certified by him endorsing thereon the day of passage or adoption. The bill shall be delivered to the Senate in open session by the Clerk or someone designated by him, and Senate concurrence asked therein. A like procedure shall be observed toward Senate bills.

When engrossing a bill, the Clerk may incorporate amendments by means of typing only. When an amendment strikes out any part of the original it shall be indicated in the engrossed copy by one parallel line over the part to be striken out, in such a way as not to render illegible the original words.

Rule 53. Enrollment of Bills. All House bills and resolutions which have passed both the Senate and the House shall be delivered by the House Clerk to the Enrolling Clerk, taking a receipt therefor, in the order in which passed. The House Clerk shall keep the number and title of all bills and joint and concurrent resolutions carrying the force and effect of law, passed by the House of Representatives and the Senate in a suitable record book attesting the fact and date of passage.

In the event a bill which originates in the House is amended by the Senate and the House concurs in the amendments proposed and adopted by the Senate, the Clerk of the House shall engross said amendments in the original copy of the House bill, attesting the same, before delivering the bill to the Enrolling Clerk of the House. The Enrolling Clerk shall then cause the original bill as attested by the Chief Clerk and the safety copy of the bill as delivered from the Senate to conform to each other by typing in indelible typewriter ink or by writing in red ink the amendments engrossed in the original bill in the safety copy. In case of extreme emergency and during the last three days prior to sine die adjournment, where no correct printed copy is available, the Enrolling Clerk may enroll such bill or resolution by typing the same on safety paper or by enrolling the same in longhand.

The original bill or resolution and a printed copy upon safety paper in the exact form as finally passed shall be certified to by the Enrolling Clerk and delivered to the Committee on Enrollment. The Committee on Enrollment and the Enrolling Clerk shall jointly compare the original bill with the enrolled copy, and if the enrollment is ascertained to be correctly done, the Committee shall report the same to the House. If any bill or resolution is found not correctly enrolled, it shall be returned to the Enrolling Clerk to be properly enrolled and delivered to the Committee on Enrollment as is first provided herein.

Rule 54. Signing of Bills. The Enrolling Clerk of the House shall deliver the original and enrolled copies of House bills and resolutions signed by the Speaker to the Chairman of the Enrollment Committee of the Senate for presentation to the President of the Senate for his signature. When signed by the President of the Senate, the enrolled bill or resolution and the original copy thereof shall be returned by the Enrolling Clerk to the Clerk of the House who shall present the enrolled bill or resolution to the Governor for his approval and take his receipt for same.

Rule 55. Resolutions. Resolutions having the force and effect of law shall be treated and considered as bills in all respects under these rules.

Voting

Rule 56. Roll Call. Any Member, with a second, may demand a roll call on any matter pending before the House. The names of Members shall be arranged alphabetically when taking a yea and nay vote.

Rule 57. Pairing. All pairs announced in the House shall be entered on the Journal.

Rule 58. Division of the House. If the Speaker be in doubt as to the result of a viva voce, or a division demanded, the House shall divide. Those voting in the affirmative shall first rise and be counted, and the Speaker shall announce the number of those so voting. Those voting in the negative shall then rise and be counted and the Speaker shall announce the number so voting. He may appoint tellers to count those voting.

Rule 59. Adjournment Extended During Roll Call. When the roll is being called in taking a yea and nay vote, and the hour of an adjournment arrives, the same shall stand extended until after said yea and nay vote has been completed and the result announced.

Privilege of the Floor

Rule 60. Persons Entitled to the Floor. No person shall be permitted upon the floor of the House when in session except the present members of the General Assembly and all officers and employees of the House. Bona fide newspaper correspondents, designated in writing by the daily newspapers or press service they represent, shall be admitted to the floor when recommended by the Speaker and shall be governed by the rules of the House and assigned by the Speaker to a press section specifically set aside for them.

Any person may be extended the privilege of the floor by invitation of the Speaker, but such privilege shall be extended only for a specified time and purpose. No person who shall have been extended the privilge of the floor for a specific time shall engage in any activities for or against any bill, motion or other proceeding upon the floor of the House while in session. No privilege of the floor shall be granted to any registered or unregistered lobbyist or legislative agent if the same be known by the House, and it shall be the duty of any Member having such knowledge to bring it to the attention of the House, and lobbying shall be grounds for revocation of this privilege.

A special section of the gallery shall be reserved for the families and guests of members, who shall be admitted upon presentation of an identification card. Other persons shall be admitted to that part of the galleries not reserved for members' families. Members may submit the names of guests to the Clerk, who shall read the names to the House. Members shall not introduce guests from the floor.

Rule 61. Lobbying in House Chambers. No person shall engage in lobbying for or against any measure while the House is in session, or in recess, in any of the corridors or passages or in any of the rooms in that part of the Capitol assigned to the use of the House, and no registered lobbyist shall enter that part of the Capitol while the House is in session. This rule shall not be construed to prohibit the use of the corridors or passages in going to and from the House galleries by any person.

Rules

Rule 62. Jefferson's Manual. In the absence of a specific rule of the House, **Jefferson's Manual of Parliamentary Practice** shall govern the proceedings, except that in all cases where general parliamentary law provides for a rule of two-thirds, it shall mean in this House a majority of all the members elected thereto.

Rule 63. Change of Rules. The Rules of the House, after their adoption, shall not be altered, changed, amended, suspended or interrupted, unless the same be done by a majority of the members elected to the House. Whenever the rules are suspended, no measure shall be considered under suspension except the measure or measures in whose favor the suspension was invoked, and only for that day.

Representative Morgan moved adoption of the following amendments to **HR C:**

Rule 4. That the word "resolutions" be inserted between the word "petition" and the word "and" in the first order of business.

That the last sentence in Rule 4 be deleted.

Rule 27. That the last sentence of paragraph one of Rule 27 be deleted.

Rule 30. That the phrase ", to be submitted to the House," be deleted from the fourth line of Rule 30.

That the last sentence of Rule 30 be deleted.

Rule 35. That the words "committee" in the third line of the third paragraph of Rule 35 be changed to read "the orders of the day".

Rule 38. That the word "the" in the second line of the second paragraph of Rule 38 be changed to read "regular weekly".

That the words "regular weekly" be inserted in the first line of the second paragraph of Rule 38 between the word "the" and the word "meeting."

That the following be added to the second paragraph of Rule 38, to-wit:

> "Nothing herein shall prevent the Chairman or a majority of any committee from calling a special committee, in addition to those regularly scheduled, provided, however, that notices of such special committee meeting shall be given at least two legislative days prior to the meeting and shall be announced in open session and shall be carried in the Legislative Record."

Rule 40. That the first paragraph of Rule 40 be deleted and the following be inserted in lieu thereof. "It shall require a majority of the committee membership to report a bill. Those members of the committee voting to report a bill must sign the committee report and the committee report shall only be signed in the committee room and while the committee is in session".

Rule 46. That the first paragraph of Rule 46 be deleted.

That the words "certified by committee" in the fifth line of the second paragraph of Rule 46 be changed to read "introduced".

That the last sentence of the second paragraph of Rule 46 be deleted.

Rule 60. That the words ", and one-half an hour before and one-half an hour after the house is in session," between the word "session" and the word "accept" in the second line of the first paragraph of Rule 60.

That the word "House" at the end of the third line in the first paragraph of Rule 60 be changed to read "General Assembly".

That the second paragraph of Rule 60 be deleted in its entirety.

Rule 62. That the words "Jefferson's Manual" in the first line of Rule 62 be deleted.

That the words "Jefferson's Manual of Parliamentary Practice" in the second line of Rule 62 be changed to read "Roberts' Rules of Order".

Said amendments were adopted.

Representative Morgan moved to adopt Resolution **HR C** as amended. Adopted.

Introduction of Resolutions

HR A, by Representative Cottengim, A RESOLUTION recognizing the special contribution of Honorable Morris Weintraub.

Representative Morgan moved to refer to Committee. Agreed.

HR 1, by Representative Morgan, A JOINT RESOLUTION relating to adjournment of the General Assembly.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That when the House of Representatives and the Senate adjourn today, January 4, 1956, they adjourn to meet again on Monday, January 9, 1956.

Mr. Morgan moved adoption of **HR I.** Agreed.

Senate Message

Announcing passage of **HR I.**

Representative Morgan moved that the House adjourn. Agreed.

MONDAY, JANUARY 9, 1956

SIXTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by the Reverend E. W. Baxter, of the Church of the Ascension (Episcopal), of Frankfort.

The roll was called. All present except Anderson, Barnum, Billington, Blue, Breathitt, Harris, Holsclaw, Martin, Nunnelley, Qualls, Sloan, Tinsley, Weintraub.

Reading of Journal for January 4 dispensed with and the same approved on motion of Representative Day.

Senate message announcing passage of **SR 4.**

Introduction of Bills

HB 42, by Representative Morgan, AN ACT relating to Military affairs.

HB 43, by Representative Johnson, AN ACT relating to the open season for the hunting of opossum and raccoon.

HB 44, by Representatives Cottengim, Ockerman, Isler, Wirsch, Breckinridge, Davidson, Robert Reid, Tanner, Lowman, AN ACT establishing retirement and benefit funds for members of the police and fire departments in cities of the second class.

HB 45, by Representatives Ockerman, Breckinridge, AN ACT relating to pari-mutuel and other simliar systems of betting, including the taxation thereof.

HB 46, by Representative McFadden, AN ACT relating to public assistance.

HB 47, by Representative McKinney, AN ACT changing the classification of the city of Morgantown, in Butler County.

HB 48, by Representative Caudill, AN ACT relating to schools.

HB 49, by Representative Burnley, AN ACT relating to the transportation of inflammable liquids or explosives.

HB 50, by Representative Lambert, AN ACT relating to public assistance.

Introduction of Resolutions

HR 2, by Representative Day, A JOINT RESOLUTION requesting the U. S. Congress to study the matter of state road taxation of trucks used in interstate commerce with particular reference to the amount of such taxes put back into state and federal roads within the states.

HR 3, by Representative Caudill, A RESOLUTION recognizing the Kentucky National Guard Service of Wiley John Adams and directing the Department of Military Affairs to make affidavits submitted by Wiley John Adams, regarding his Kentucky National Guard Service a part of the official department service record.

The Speaker announced a meeting of Committee Chairmen after adjournment.

HR 4, by Representative Morgan, A CONCURRENT RESOLUTION providing for an inquiry into and investigation of the affairs, activities and management of charitable, penal and eleemosynary institutions of the Commonwealth; providing for a committee to make such inquiry and investigation and prescribing its powers and duties; providing that funds appropriated to the Legislative Research Commission shall be at the disposal of the committee herein provided for, and declaring an emergency.

WHEREAS, the Governor in his message before the General Assembly of Kentucky, requested the appointment of a joint committee at the earliest possible moment, to investigate the situation in the various charitable, penal and eleemosynary institutions of the Commonwealth for the purpose of rehabilitating them.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Speaker of the House of Representatives and the President of the Senate shall, upon the passage and approval of this Resolution, forthwith appoint a joint committee to be composed of seven members of the House of Representatives to be appointed by the Speaker and seven members of the Senate to be appointed by the President. The Speaker of the House of Representatives shall appoint as members of the joint committee five members of the majority party and two members of the minority party. The President of the Senate shall appoint as members of the joint committee five members of the majority party and two members of the minority party. The committee appointed hereunder shall constitute a committee of the General Assembly and, in addition to the powers hereinafter enumerated, shall possess all of the powers granted by Section 39 of the Constitution and by Sections 6.072 and 6.080 of the Kentucky Revised Statutes. The committee shall designate as chairman one of its members.

Section 2. A subcommittee composed of any three members of the joint committee is authorized to make such inquiry and investigation as required by this Resolution on behalf of said committee and a majority shall constitute a quorum. The subcommittee shall report its findings to the committee in writing and shall possess such powers and duties as are granted the committee.

Section 3. The committee is hereby authorized, empowered and directed to fully and thoroughly inquire into and investigate the affairs, activities and management of the various charitable, penal and eleemosynary institutions of the Commonwealth, including the conduct and acts of all officers and employes thereof, and the conduct and acts of any and all persons having or who have had transactions, dealing or contracts, with any of the institutions, its officers or employes.

Section 4. The committee is authorized and empowered to employ accountants, attorneys, stenographic and clerical assistants, and such other skilled assistants as it may deem necessary and expedient for the performance of its duties and to purchase or otherwise acquire necessary equipment and supplies.

Section 5. The committee shall have full and plenary powers to subpoena demand the presence of, and examine under oath administered by the chairman of the committee, any and all officers and employes of the institutions, any and all persons having or who have had transactions, dealings or contracts directly or indirectly, with the institutions or any of its officers or employes, and any other persons deemed to possess any knowledge or information pertinent to the inquiry and investigation being conducted. The committee shall have the further power to require any and all persons subpoenaed by it to appear at the time and place mentioned in the subpoena, and the power to require by subpoena the production of any books, papers, documents, contracts, records or other data or written matter deemed pertinent to the inquiry and investigation. The committee shall have the further power to receive evidence by deposition and to provide for the taking of depositions in this state or elsewhere, and for the purpose of taking depositions may delegate any member of employe of the committee to conduct the taking of the deposition.

Section 6. The committee shall have authority to reimburse its members and employes for actual and necessary traveling expenses, telephone and telegraph expenses, and similar expenses incurred in the performance of the duties of the committee.

Section 7. The committee is authorized and empowered to conduct hearings at any place within this state or elsewhere, and to adopt rules governing its meetings, hearing and procedure.

Section 8. The enumeration of powers hereinabove set forth shall not be construed as a limitation upon any inherent powers which the committee may possess as a legislative committee under the Constitution, statutes or common law.

Section 9. The committee shall have at its disposal the facilities of the Legislative Research Commission.

Section 10. The committee shall proceed as rapidly as practicable with the inquiry and investigation and report its findings to the General Assembly and to the Governor.

Section 11. Any appropriation funds which have not been expended by the Legislative Research Commission shall be at the disposal of the committee appointed under this Resolution for the purposes outlined in this Resolution. The chairman of the committee may at any time requisition any part or all of the sum so appropriated, and the Department of Finance, upon receiving such requisition, shall issue its warrant upon the State Treasury for the amount requisitioned. Upon receipt of such warrant, the State Treasurer shall issue his check payable to the chairman of the committee, and upon receipt of the check the chairman shall cause the amount thereof to be deposited in a bank of his selection within this State. Disbursements from the funds so placed upon deposit may be made upon checks signed by the chairman of the committee, for any purpose authorized by this Resolution. At the same time the report of findings of the committee is made pursuant to Section 10 of this Resolution, the chairman of the committee shall present an itemized statement of all disbursements of the committee from the deposited funds, and shall issue to the State Treasurer, for deposit and credit to the General Expenditure Fund, his check the deposited funds for any unexpended balance thereof.

Section 12. Whereas, it is essential that the inquiry and investigation provided for in this Resolution be made forthwith in order that the present General Assembly may take such legislative action as may be necessary or desirable for the benefit of the Commonwealth, an emergency is declared to exist and this Resolution shall take effect upon its passage and approval by the Governor.

Mr. Morgan moved to adopt **HR** 4. Adopted.

Mr. Morgan moved to adopt **SR** 4. Adopted.

SR 4, A CONCURRENT RESOLUTION expressing condolence to the Honorable Ben B. Fowler and to Mrs. Ben. B. Fowler.

WHEREAS, the Senate and the House of Representatives have just been informed of the untimely and accidental death of Eleanor Fowler and John B. Fowler, the only children of the Honorable Ben B. Fowler and Mrs. Ben B. Fowler, and

WHEREAS, the Senate and the House of Representatives are shocked and grieved at the loss to the Honorable Ben B. Fowler and Mrs. Ben B. Fowler occasioned by the loss of their children;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, and the House of Representatives concurring thereto:

That the Senate and the House of Representatives do hereby extend to the Honorable Ben B. Fowler and to Mrs. Ben B. Fowler, its deepest sympathy and condolences.

Appointment of Committees

The Speaker appointed a Committee on Welfare Investigation.

Committee on Welfare Investigation

Chas. Burnley	Paducah
Mike Walsh	Louisville
John Breckinridge	Lexington
Robert Gullette	Nicholasville
Durham Howard	Pineville
Hobert Rayburn	Lewis
Brooks Hinkle	Paris

The Speaker appointed a Committee on Insurance Investigation.

Committee on Insurance Investigation

Geo. Harris	Salem
Chas. Buchanan	Barbourville
Vernor Cottengim	Covington
Harry Caudill	Whitesburg
Owen Billington	Murray
James Lambert	Mt. Vernon
Morris Weintraub	Newport

Reference of Bills

The Speaker referred the following bills and resolutions:

Ways and Means	**HB 1, HB 2, HB 3, HB 4, HB 14, HB 30, HB 40**
Revenue and Taxation	**HB 5, HB 9, HB 22, HB 38, HB 33**
Judiciary	**HB 6, HB 7, HB 11, HB 31, HB 39**
Banking and Insurance	**HB 8**
State and County Govts.	**HB 10, HB 12, HB 15, HB 16, HB 24, HB 26, HB 27, HB 28, HB 34**
Suffrage and Elections	**HB 13, HB 18, HB 36**
Executive and Legislative Affairs	**HB 17, HB 29**
Municipalities	**HB 19, HB 37**
Agriculture	**HB 20, HB 23, HB 41**
Education	**HB 25**
Conservation	**HB 32**
Health and Welfare	**HB 35**
Transportation and Highways	**HB 21**
Ways and Means	**HR A**

Orders of the Day

Senate message announcing passage of **SR 6.**

SR 6, A CONCURRENT RESOLUTION providing for an inquiry into and investigation of the affairs, activities and management of the

Kentucky Department of Insurance; providing for a committee to make such inquiry and investigation and prescribing its powers and duties; providing that funds appropriated the Legislative Research Commission shall be at the disposal of the committee appointed hereunder, and declaring an emergency.

WHEREAS, the Governor in his message before the General Assembly of Kentucky, pointed out the fact that certain insurance companies in Kentucky, other than life, have failed, thereby causing great loss to Kentucky insurers and Kentucky agents, and recommended that the affairs of the Kentucky Department of Insurance be investigated to determine the cause of such failures.

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring:

Section 1. The Speaker of the House of Representatives and the President of the Senate shall, upon the passage and approval of this Resolution, forthwith appoint a joint committee to be composed of seven members of the House of Representatives to be appointed by the Speaker and seven members of the Senate to be appointed by the President. The Speaker of the House of Representatives shall appoint as members of the joint committee five members of the majority party and two members of the minority party. The President of the Senate shall appoint as members of the joint committee five members of the majority party and two members of the minority party. The committee appointed hereunder shall constitute a commmittee of the General Assembly and, in addition to the powers hereinafter enumerated, shall possess all of the powers granted by Section 39 of the Constitution and by Sections 6.072 and 6.080 of the Kentucky Revised Statutes. The committee shall designate as chairman one of its members.

Section 2. A subcommittee composed of any three members of the joint committee is authorized to make such inquiry and investigation as required by this Resolution on behalf of said committee and a majority shall constitute a quorum. The subcommittee shall report its findings to the committee in writing and shall possess such powers and duties as are granted the committee.

Section 3. The committee is hereby authorized, empowered and directed to fully and thoroughly inquire into and investigate the affairs, activities and management of the Kentucky Department of Insurance, including the conduct and acts of all officers and employes of the Department, and the conduct and acts of any and all persons having or who have had transactions, dealings or contracts, directly or indirectly, with the Department or any of its officers or employes.

Section 4. The committee is authorized and empowered to employ accountants, attorneys, stenographic and clerical assistants, and such other skilled assistants as it may deem necessary and expedient for the performance of its duties, and to purchase or otherwise acquire necessary equipment and supplies.

Section 5. The committee shall have full and plenary powers to subpoena, demand the presence of, and examine under oath administered by the chairman of the committee, any and all officers and employes of the Department of Insurance, any and all persons having or who have had transactions, dealings or contracts, directly or indirectly, with the Department or any of its officers or employes, and any other person deemed to possess any knowledge or information pertinent to the inquiry and investigation being conducted. The committee shall have the further power to require any and all persons subpoenaed by it to appear at the time and place mentioned in the subpoena, and the power to require by subpoena the production of any books, papers, documents, contracts, records or other data or written matter deemed pertinent to the inquiry and investigation. The committee shall have the further power to receive evidence by deposition and to provide for the taking of depositions in this state or elsewhere, and for the purpose of taking depositions may delegate any member or employe of the committee to conduct the taking of the deposition.

Section 6. The committee shall have authority reimburse its members and employes for actual and necessary traveling expenses, telephone and telegraph expenses, and similar expenses incurred in the performance of the duties of the committee.

Section 7. The committee is authorized and empowered to conduct hearings at any place within this state or elsewhere, and to adopt rules governing its meetings, hearings and procedure.

Section 8. The enumeration of powers hereinabove set forth shall not be construed as a limitation upon any inherent powers which the committee may possess as a legislative committee under the Constitution, statutes or common law.

Section 9. The committee shall have at its disposal the facilities of the Legislative Research Commission.

Section 10. The committee shall proceed as rapidly as practicable with the inquiry and investigation and report its findings to the General Assembly and to the Governor.

Section 11. Any appropriated funds which have not been expended by the Legislative Research Commission shall be at the disposal of the committee appointed under this Resolution for the purposes outlined in this Resolution. The chairman of the committee may at any time requisition any part or all of the sum so appropriated, and the Department of Finance, upon receiving such requisition, shall issue its warrant upon the State Treasury for the amount requisitioned. Upon receipt of such warrant, the State Treasurer shall issue his check payable to the chairman of the committee, and upon receipt of the check the chairman shall cause the amount thereof to be deposited in a bank of his selection within this State. Disbursements from the funds so placed upon deposit may be made upon checks signed by the chairman of the committee, for any purpose authorized by this Resolution. At the same time the report of findings of the committee is made pursuant to Section 8 of this Resolution, the chairman of the committee shall present an itemized statement of all disbursements of the committee from the deposited funds, and shall issue to the State Treasurer, for deposit and credit to the General Expenditure Fund, his check upon the deposited funds for any unexpended balance thereof.

Section 12. Whereas, it is essential that the inquiry and investigation provided for in this Resolution be made forthwith in order that the present General Assembly may take such legislative action as may be necessary or desirable for the benefit of the Commonwealth, an emergency is declared to exist and this Resolution shall take effect upon its passage and approval by the Governor.

Mr. Morgan moved to adopt **SR 6.** Adopted.

Communications

The Clerk read a communication from the Capitol Press Club:

January 6, 1956

Honorable Harry Lee Waterfield,
President of the Senate, and
Honorable Thomas P. Fitzpatrick,
Speaker of the House

Gentlemen:

We submit herewith members of the Capitol Press Club who, pursuant to your rules, are entitled to privileges of the press section:

For The Associated Press: Malcolm Patterson, Brown Lee Yates, Robert Horine, Jr., and Miss Ruth Murphy.

For The United Press: Thomas E. Gish, and James Reneissen.

For The Lexington Herald: George Reynolds and S. V. Stiles.

For The Kentucky Times-Star: S. V. Stiles.

For The Lexington Leader: Bob Fain.

For The Cincinnati Enquirer: Dick Kirkpatrick.

For Chicago Commerce Clearing House: Miss Elois Simpson.

For WAVE-TV: Ronnie Rhody and Don Wheeler.

For The Louisville Times: Frederic C. Lord and Gorman McMullen.

For The Courier-Journal: Allan M. Trout, Hugh Morris, Ben Reeves, and Miss Anne Pardue.

For The State-Journal: Phil Swift.

For The Kentucky Post: Clay Wade Bailey.

Respectfully submitted,

/S/ Thomas E. Gish, president
/S/ Anne Pardue, secretary

Representative Morgan moved that all members listed in said communicaiton be granted the privilege of the floor. Agreed.

Mr. Morgan moved to recess for Committee meetings. Agreed.

Introduction of Bills

HB 51, by Representative Freeman, AN ACT relating to deductions allowed from gross income for purposes of income tax.

HB 52, by Representative Bridgers, AN ACT relating to park property in cities of the first class.

HB 53, by Representative Farmer, AN ACT relating to the liability, in cities of the first class, of abutting property owners and cities for improvements, repair or reconstruction of sidewalks and for injuries to persons or property growing out of defects in sidewalks.

HB 54, by Representative Murphy, AN ACT relating to weed and rubbish control in cities of the first class.

HB 55, by Representative Miller, AN ACT relating to the establishment of emergency flood wall operation funds by counties containing a city of the first class.

HB 56, by Representative Baumgardner, AN ACT concerning zoning and planning in cities of the first class and in counties containing such cities.

HB 57, by Representative Ray, AN ACT relating to notice to the fiscal court of proposed annexation or reduction of territory by cities; in counties containing a city of the first class and to protest suits against such annexation or reduction of territory.

HB 58, by Representative Farmer, AN ACT relating to ad valorem taxation by cities of the first class.

HB 59, by Representative Miller, AN ACT to amend and reenact KRS 67.410 relating to the administration and enforcement of county building regulations in counties containing a city of the first class.

HB 60, by Representative Walsh, AN ACT to amend and reenact KRS 28.440 relating to compensation of reporters in counties having a population of 150,000 or more.

HB 61, by Representative Murphy, AN ACT concerning an alternative method of rendering governmental service in any county containing a city of the first class, including within such method the extension of the boundaries of any such city of the first class.

HB 62, by Representative Ray, AN ACT to amend and reenact KRS 178.150 relating to assistance rendered to counties by the Department of Highways.

HB 63, by Representative Bridgers, AN ACT to amend and reenact KRS 189.990 (1) relating to penalties for violating traffic regulations.

HB 64, by Representative Holsclaw, AN ACT relating to payment by cities and counties for hospital treatment of indigent residents.

Mr. Morgan moved rules be suspended for Committee report. Agreed.

Report of Committee

Committee on Ways and Means reported **HB 3** with the expression that the same should pass.

HB 3, AN ACT relating to the General Assembly and declaring and emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The chief clerk of each house shall furnish a correct journal of its proceedings for each day to the Legislative Research Commission as soon as the journal is approved by the house. The Legislative Research Commission shall carefully compare or have compared the proofs of the journals, as furnished by the public printer, with the journals furnished to the printer and correct any errors and supply any omissions appearing in them. The public printer shall not bind the journals for final distribution until the corrected proofs have been furnished him by the Legislative Research Commission.

Section 2. All funds appropriated for legislative sessions shall be placed in a Legislative Session Fund. All compensation of members and employees and all contingent expenses of the General Assembly shall be paid from this fund on vouchers approved by the Chairman of the Legislative Research Commission.

Section 3. The expenses of preparing, indexing, and editing the journals of the General Assembly shall be paid by the State Treasurer upon requisition of the Chairman of the Legislative Research Commission for the purpose, drawn on the Department of Finance.

Section 4. Section 6.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) The chief clerks of each house shall file and preserve in the office of his house a correct copy of the journal of its proceedings. At the close of each session of the General Assembly, he shall make an inventory of all the books, stationery and furniture belonging to his house, box up all the books, and deliver the books, stationery and furniture to the Chairman of the Legislative Research Commission and take his receipt for them.

(2) The chief clerk and assistant clerk of each house shall keep an accurate journal of each day's proceedings; do all necessary engrossing of bills; and read and compare enrolled bills.

(3) The enrolling clerk shall promptly and accurately enroll all bills delivered to him for that purpose which originated in the house of which he is enrolling clerk.

(4) Either house may prescribe additional duties for the chief clerk, assistant clerk or enrolling clerk.

Section 5. Section 6.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) The compensation and travel allowance of the Lieutenant Governor, President Pro Tem of the Senate, Speaker of the House of Representatives and members of both houses of the General Assembly shall be paid on the certificate of the Chairman of the Legislative Research Commission of the amount due.

Section 6. Section 6.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Employees of the General Assembly shall receive a per diem, as follows: Chief Clerk, twenty-six dollars; assistant clerk, sixteen dollars; enrolling clerk, twenty-five dollars; sergeant-at-arms, twenty-two dollars; doorkeeper, eighteen dollars; janitors, nine dollars; cloakroom keeper, twelve dollars; pages, eight dollars each.

Section 7. Section 57.160 of the Kentucky Revised Statutes is amended to read as follows:

The Legislative Research Commission shall furnish a correct copy of the Acts and Resolutions and the journals of the General Assembly to the printer. The clerk of each house of the General Assembly shall promptly furnish to the printer copies of bills, reports, and other papers, documents and resolutions.

Section 8. Section 6.235 of the Kentucky Revised Statutes is repealed.

Section 9. Whereas the General Assembly is now in session and it is necessary to provide for prompt payment of expenses and publication of the journals, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

Read at length for the first time and ordered placed in the calendar.

Introduction of Bills

HB 65, by Representatives Newsom, John B. Reed, AN ACT relating to the licensing of buyers, sellers and distributors of coin-operated music or amusement machines.

HB 66, by Representative R. Reid, AN ACT relating to containers of alcoholic beverages and amending sections 244.260, 244.310 and 244.340 of the Kentucky Revised Statutes.

Mr. Morgan moved to adjourn out of respect for Mrs. Mildred Moss who died January 9, 1956. Agreed.

Mr. Morgan moved that the House adjourn until 1 P. M., January 10. Agreed.

TUESDAY, JANUARY 10, 1956

SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend E. W. Baxter, Church of the Ascension, of Frankfort.

Roll call showed all present except Anderson, Barnum, Hill, D. W. Howard, Lambert, Martin, Murphy, Nunnelley, Sloan.

Mr. Isler moved that reading of the Journal January 9 be dispensed with and that same be approved. Agreed.

Representative Day moved to grant leave of absence to Members, as absences may occur. Agreed.

Motions

Representative Morgan moved that the Speaker appoint a Committee to acknowledge illness of Mr. Nunnelley, send flowers, and/or call. Agreed.

Representative Davidson moved to invite George Carr Ganter to speak to this body Monday, January 16. Seconded by Mrs. Wilson. Agreed.

Representative Burnley moved to amend **HR C**, Page 8, Rule 38: "After the word 'scheduled' insert a period and deleting the remainder of the paragraph." Adopted.

Report of Committees

Ways and Means reported **HB 1**, **HB 2**, **HB 4**, **HB 40** with the expression of opinion that the same should pass.

HB 1, AN ACT relating to public assistance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Sections 205.260, 205.270, 205.280, 205.290 and 205.320 of the Kentucky Revised Statutes are hereby repealed.

Section 2. All claims against the estates of recipients of public assistance payments and all liens created pursuant to KRS 205.260 to 205.320, not enforced by collection at the time this Act takes effect, are void.

HB 2, AN ACT relating to the Governor's budget report, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 45.030 of the Kentucky Revised Statutes is amended to read as follows:

The Governor, with the advice and assistance of the Department of Finance shall prepare and submit to each regular session of the General Assembly, or in his discretion to an extraordinary session thereof, a budget report, for adoption either with or without amendments and modifications by the General Assembly.

Section 2. Section 45.100 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Finance shall have the budget report, as approved by the Governor, printed in such numbers of copies as the Governor orders, and copies thereof shall be transmitted to the House of Representatives.

Section 3. Whereas, under the existing law insufficient time is allowed to each new Governor in which to prepare and submit the budget report;

An emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

HB 4, AN ACT relating to public printing and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 57.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) First class printing, except as otherwise provided in this section, shall be done according to standards specified by the Superintendent of Public Printing. All such printing shall be done in a style consistent with good taste and workmanship and with due regard to economy.

(2) The journals of the two houses of the General Assembly, the volumes of public documents and the Acts of the General Assembly shall be printed and bound according to standards specified by the Legislative Research Commission and approved by the Superintendent of Public Printing.

(3) The volumes of public documents shall contain nothing that is to be inserted in the Acts or journals of the same year, and the documents shall follow each other in as close, compact order as is consistent with good workmanship, without unnecessary blanks or separate title or half-title pages. The paging shall be separate, and at the conclusion there shall be an index, showing the order in which the documents appear. If any document is printed in pamphlet form by the contractor who prints the volumes of public documents and is also inserted in the volumes, or if any document is printed in pamphlet for by the contractor who prints the journals and is also

printed in the journals, only one charge shall be made or allowed for the composition thereof, unless the matter is reset.

(4) The printing for the executive departments shall be done in style consistent with good taste and workmanship, and with due regard to economy. In estimating the composition, all work in script type, or in which script is the chief kind of type used, shall be estimated as pica, and measured by the surface actually covered, not by the size of the sheet used. All open work such as blank commissions and the like, shall be estimated in the same manner but no job of open work shall be counted less than one thousand ems. All other work, in other than script type, shall be estimated according to the type used, and when different kinds are used in the same job it shall be estimated proportionately to the different kinds used. In estimating press work in this class, a quire shall be considered twenty-four impressions of a side or page, as the case may be, of twenty-four full sheets of such paper as is adapted to the job or selected, with such matter as the officer ordering the work directs to be put upon it; but no job of press work shall be counted less than one quire.

Section 2. Whereas, the General Assembly is now in session and it is necessary that specifications for the journals be adopted to expedite prompt publication, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

HB 40, AN ACT relating to the Workmen's Compensation Board.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 342.215 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Workmen's Compensation Board shall consist of five members appointed by the Governor and shall be a part of the Department of Industrial Relations.

(2) Each member of the board shall hold office for four years and until his successor is appointed and qualified. Upon the expiration of the term of any member, his successor shall be appointed for a full term of four years. Vacancies shall be filled by appointment for the unexpired term.

(3) The senior member in length of service on the board in his current term in any given year shall be chairman during that year. No appointee to fill an unexpired term shall succeed his predecessor in the chairmanship of the board. The member who would, but for the vacancy, have been chairman shall at once succeed to the unexpired chairmanship, when, a vacancy occurs therein, in addition to the year's chairmanship to which he would otherwise have been entitled.

WHEREAS, the volume of work now before the Workmen's Compensation Board is so great that the board as presently constituted must of necessity delay making decisions on many important matters pending before it; and

WHEREAS, it is vitally important to the welfare of the people of the Commonwealth of Kentucky that all matters pending before the Board be determined as expediently as possible,

NOW, THEREFORE, an emergency is hereby declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

Read at length for the first time and ordered placed in the Calendar.

Calendar

HB 3 was taken from the Calendar and ordered read at length for the second time. Ordered placed in Orders of the Day.

Introduction of Bills

HB 67, by Representative Melton, AN ACT relating to petty loan companies, and amending Section 288.150 of the Kentucky Revised Statutes.

HB 68, by Representative Blankenship, AN ACT relating to the creation of an independent agency to be known as the Kentucky Commission on Alcoholism.

HB 69, by Representative Morgan, AN ACT relating to the operation and maintenance of the Executive Mansion, making an appropriation therefor, and declaring an emergency.

HB 70, by Representative Morgan, AN ACT relating to the Old Governor's Mansion, in Frankfort, repealing KRS 148.210.

HB 71, by Representative McCallum, AN ACT relating to actions for libel, slander or defamation as pertains to radio or television broadcasting.

HB 72, by Representative Ockerman, AN ACT relating to recreational in cities of the second class.

HB 73, by Representative Baumgardner, AN ACT relating to public works in cities of the first class.

HB 74, by Representative Day, AN ACT relating to marketing of agricultural products.

HB 75, by Representative Harris, AN ACT relating to the payment of certain expenses of Commonwealth's attorneys and declaring an emergency to exist.

Reference of Bills

Ways and Means: **HB 42, HB 52, HB 53, HB 54, HB 55, HB 56, HB 57, HB 58, HB 59, HB 60, HB 61, HB 63, HB 64.**

Conservation: **HB 43.**

Municipalities: **HB 44, HB 47.**

Revenue and Taxation: **HB 45, HB 51.**

Health and Welfare: **HB 46, HB 50.**

Education: **HB 48.**

Transportation and Highways: **HB 49, HB 62.**

Representative Morgan moved to adjourn to 1 P. M., January 11. Agreed.

WEDNESDAY, JANUARY 11, 1956

EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend E. W. Baxter, Church of the Ascension, of Frankfort.

Roll call showed all present except Anderson, Barnum, Billington, Heyburn, D. W. Howard, Mackey, Nunnelley.

Senate message announcing passage of **HR 4.**

Representative Isler moved that reading of the January 10 Journal be dispensed with and that same be approved. Agreed.

Motions

Representative Weintraub moved that Committee Rooms be supplied with two copies of the **Kentucky Revised Statutes.** Representative Howard moved to amend by adding the words "to supply 6 additional copies for Members of House." Amendment adopted.

Motion adopted as amended.

Report of Committees

Transportation and Highways reported **HB 62** with the expression of opinion that the same should pass.

HB 62, AN ACT to amend and re-enact Kentucky revised statute 178.150 relating to assistance rendered to counties by the department of highways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) When it is necesary to build or repair a bridge and the building and repair will cost more than five hundred dollars, the county road engineer shall notify the Department of Highways that such work is to be done. The Department of Highways shall then furnish to the county road engineer plans, specifications and estimates of cost, which he shall submit to the fiscal court. The county road engineer shall keep in his records the plans, specifications and estimates of cost furnished by the Department of Highways, and also the plans, specifications and estimates of cost and the actual cost of the repair or construction work which is actually done. The fiscal court shall not be required to accept the plans, specifications and estimates furnished by the Department of Highways.

(2) This same plan shall be followed in making the purchase of all county road machinery, when the amount of the purchase is five hundred dollars or more.

(3) The fiscal court of the county may by proper order dispense with the requirements of subsections (1) and (2) of this section as to any given project, work or purchase.

(4) When a new hard surface road is to be built, or an old dirt road converted into a hard surface road, the county road engineer of the county in which the improvement is to be made shall notify the Department of Highways, and the department shall send an assistant engineer to assist in laying out the road, and in drawing plans and specifications and making up estimates of cost for the road. This shall be done at the expense of the state. The fiscal court shall not be compelled to accept the plans and specifications of the engineer furnished by the Department of Highways, but a record of them shall be kept. After contracts are awarded, the estimates furnished by the Department of Highways and the contract price shall be published as advertisements provided for in KRS 178.050. Read at length for the first time and ordered placed in the Calendar.

State and County Governments reported **HB 24** with the exsion of opinion that the same should pass.

HB 24, AN ACT changing the classification of the City of Dry Ridge, in Grant County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Dry Ridge, in Grant County, is such as to justify its being classified as a city of the fifth class,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Dry Ridge, in Grant County, is transferred from the sixth to the fifth class of cities. Read at length for the first time and ordered placed in the Calendar.

Judiciary reported **HB 6, HB 31, HB 39, HB 11**, all with amendments, with the expression of opinion that the same should pass.

HB 6, AN ACT relating to venue of sections for alimony or divorce.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 452.470 is amended to read as follows:

An action for alimony or divorce must be brought in the county where the wife usually resides, if she have an actual residence in this state; if not, in the county of the husband's residence. If, the wife has changed her residence to a county other than that in which she resides with her husband before separation, any such action filed within six months from the time of the exchange, must be filed in the county from which she moved, if the husband is still a resident of that county.

HB 31, AN ACT relating to the terms of court in the Thirty-sixth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (36) of Section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

Thirty-sixth district, Knott County at Hindman, on the first Monday in March, twenty-four juridical days; on the second Monday in May, twenty-four juridical days; on the fourth Monday in August, eighteen juridical days; and on the second Monday in November, thirty juridical days.

Magoffin County, at Salyersville, on the first Monday in February, eighteen juridical days; on the second Monday in April, eighteen juridical days; on the second Monday in June, eighteen juridical days, and on the fourth Monday in September, twenty-four juridical days.

Section 2. This Act shall take effect on July 1, 1956.

HB 39, AN ACT relating to grounds for divorce.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 403.020 (3) of the Kentucky Revised Statutes is hereby amended to read as follows:

(3) A divorce may be granted to the wife for the following causes:

(a) When not in like fault, habitual drunkenness on the part of the husband of not less than one year's duration, accompanied by a wasting of the husband's estate and without any suitable provision for the maintenance of the wife or children;

(b) Habitually behaving toward her, for not less than six months, in such cruel and inhuman manner as to indicate a settled aversion to her or to destroy permanently her peace or happiness; or

(c) Such cruel beating or injury, or attempt at injury, of the wife as indicates an outrageous temper in the husband, or probable danger to her life, or of great bodily injury, from her remaining with him.

HB 11, AN ACT relating to accounting and settlement by guardian of the wards' estate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 387.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) All amounts accruing under a lease permitted by KRS 387.150 shall be treated as income of the estate of the ward, and shall be held and accounted for as such by the guardian.

(2) Where dower or curtesy is outstanding in the mineral rights, but has not been assigned, one-third of the income accruing under the lease shall be adjudged to the surviving spouse as his or her curtesy or dower, as provided by KRS 392.050. The remaining income shall be received by the guardian and held by him or disbursed for the ward's proper maintenance and education, pursuant to KRS 387.060.

(3) The guardian or his successor as such shall from time to time make settlements to the county court as provided by law.

(4) The leasehold estate, upon the death of the ward, without having disposed of the same in the manner authorized by law, shall descend to the real representatives of the ward for distribution among the decedent's heirs at law.

(5) Upon the minor becoming of age, the guardian shall make a final and complete settlement of all amounts received under the lease, and account for the same as herein and by law provided, and shall thereupon be discharged from further duty or accountability. Thereafter the rights and obligations of the former ward and the leasee shall be the same as if the lease had been executed originally to the lessee by a person over twenty-one years of age and free from any disability. Read at length for the first time and ordered placed in the Calendar.

Calendar

HB 40, HB 4, HB 2, HB 1 were taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be placed in Orders of the Day. Agreed.

Orders of the Day

HB 3 taken from Orders of the Day. Representative Morgan moved the adoption of Amendment No. 1 to read as follows: "Amend printed copy of House Bill 3, on page 2, section 3, line 1-5, to read as follows: 'The expenses of preparing, indexing, and editing the Journals of the General Assembly shall be paid from the appropriation for Legislative Journals and Acts upon requisition of the chairman of the Legislative Research Commission.'" Agreed.

Mr. Morgan moved the Previous Question on **HB 3.** Agreed.

HB 3 ordered read at length the third time.

On roll call, the votes was yeas 91—Bates, Baumgardner, Beshear, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Gay, Greene, Griffin, Brigsby, Grundy, Gullette, Hadden, Hahn, ,Harris, Hawkins, Heskamp, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mulins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 0.

HB 3 was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Introduction of Bills

HB 76, by Representative Newsom, AN ACT relating to traffic regulations and equipment of vehicles.

HB 77, by Representatives Conrad, Hinkle, Hahn, Highland, Bates, Blankenship, Thomas, AN ACT relating to rabies and dog control and livestock and dog protection.

HB 78, by Representative Bridgers, AN ACT proposing an amendment to Section 170 of the Constitution of Kentucky, relating to exemption of property from taxation.

HB 79, by Representative Murphy, AN ACT relating to holidays.

HB 80, by Representative Day, AN ACT relating to the construction and operation of a railroad line.

HB 81, by Representative A. W. Wells, AN ACT relating to motor vehicle operation.

HB 82, by Representative Weintraub, AN ACT relating to prohibiting minors from attending race tracks.

HB 83, by Representative Bridgers, AN ACT relating to the return of this state of fugitives from justice.

HB 84, by Representative A. W. Wells, AN ACT relating to vehicles; providing penalties.

HB 85, by Representative A. W. Wells, AN ACT relating to the operation of school busses.

HB 86, by Representative Isler, AN ACT relating to comic books.

HB 87, by Representative Isler, AN ACT relating to the sale or delivery for resale of magazines or other publications.

HB 88, by Representative Peace, AN ACT relating to schools.

HB 89, by Representative Peace, AN ACT relating to marriage.

HB 90, by Representative Peace, AN ACT relating to schools.

HB 91, by Representative A. W. Wells, AN ACT relating to the operation of motor vehicles.

HB 92, by Representative Buchanan, AN ACT relating to strip mining.

HB 93, by Representative Cornett, AN ACT relating to gas pipe lines.

HB 94, by Representative Cornett, AN ACT relating to the custody, support and treatment of incompetents.

HB 95, by Representatives Ockerman, Hinkle, AN ACT relating to the terms of attendance officers and repealing Section 159.080 of the Kentucky Revised Statutes.

HB 96, by Representative Hislope, AN ACT relating to the expenditure of appropriations.

HB 97, by Representative Bates, AN ACT relating to unlawful cutting of timber.

HB 98, by Representatives Weintraub, Cottengim, Isler, AN ACT relating to zoning and planning in second class cities and in counties containing such cities.

Introduction of Resolutions

HR 5, by Representatives Davis, Harris, A JOINT RESOLUTION naming Lowell Allen Williams, as Poet Laureate of Kentucky.

HR 6, by Representatives Cottengim, Isler, A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make studies of the State Gasoline Tax structure, to prepare reports, to make recommendations concerning revisions of the State Gasoline Tax structure, etc.

HR 7, by Representative Searcy, A JOINT RESOLUTION authorizing a civil action against the Commonwealth of Kentucky in the interests of Ralph Myers.

HR 8, by Representative Searcy, A JOINT RESOLUTION authorizing and directing payment of a claim of the Tax Commissioner of Henry County.

Mr. Morgan moved to adjourn until 1 P. M., January 12. Agreed.

THURSDAY, JANUARY 12, 1956

NINTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend E. W. Baxter, Church of the Ascension, of Frankfort.

Roll call showed all present except Anderson, Barnum, Embry, Holsclaw, Lambert, Nunnelley, Weintraub.

Representative Isler moved that reading of the January 11 Journal be dispensed with and that same be approved. Agreed.

Report of Committees

Ways and Means reported **HB 42, HB 52, HB 53, HB 54, HB 55, HB 56, HB 57, HB 58, HB 59, HB 60, HB 61, HB 64, HB 69, HB 75** with the expression of opinion tha the same should pass.

HB 42, AN ACT relating to Military Affairs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 36.020 of the Kentucky Revised Statutes is amended to read as follows:

The Governor, immediately on his induction into office, shall appoint The Adjutant General, who shall be not less than thirty years of age and who shall have served honorably, or be serving, as a commissioned officer of the armed forces of the United States. The Governor shall issue a commission to The Adjutant General in the grade commensurate with the duties and responsibilities of the office. If the commission is only temporary, it shall automatically be vacated when The Adjutant General is relieved from duty or at the expiration of the term of the Governor appointing him. The Adjutant General shall execute bond in the sum of ten thousand dollars.

Section 2. Section 36.030 of the Kentucky Revised Statutes is amended to read as follows:

The office of The Adjutant General, Deputy Adjutant General, or Assistant Adjutant General shall not be incompatible with or serve to vacate the commission in the Kentucky National Guard held by the officer appointed as The Adjutant General, Deputy Adjutant General or Assistant Adjutant General at the time of his appointment, nor shall it be incompatible with any office to which he might be promoted or appointed, nor interfere with or prevent his attending to the duties of the office held at the time or to which he may be thereafter promoted or appointed.

Section 3. The Governor may appoint a Deputy Adjutant General for the Army National Guard and a Deputy Adjutant General for the Air National Guard, who, at the time of appointment shall be at least thirty years of age and shall have served honorably, or be serving, as a commissioned officer of the armed forces of the United States. The Governor shall issue a commission of such Deputy Adjutant General in the grade commensurate with the duties and responsibilities of that office. If the commission is temporary, it shall be automatically vacated when the Deputy Adjutant General is relieved from duty or at the expiration of the term of the Governor appointing him.

Section 4. Section 36.120 of the Kentucky Revised Statutes is amended to read as follows:

The Governor may, within his discretion as to numbers and grades, and with the recommendation of The Adjutant General, appoint as Assistant Adjutants General, individuals who have served honorably, or may be serving, as members of the Armed Forces of the United States.

WHEREAS, it is increasingly difficult to administer properly the Department of Military Affairs, primarily because of the large increase in strength from approximately twenty-two hundred officers and men to approximately six thousand officers and men in the Kentucky National Guard in the past two years; and,

WHEREAS, such increase in strength has been in conformity with the program of the Department of Defense to increase the Reserve forces of the Nation; and,

WHEREAS, the revisions and new provisions of law herein set forth are required in order to provide efficient administration of the Department of Military Affairs, an emergency is declared to exist and this Act shall become effective upon its passage and approval by The Governor.

HB 52, AN ACT relating to park property in cities of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection 2 of Section 97.252 of the Kentucky Revised Statutes is amended to read as follows:

(2) Such park property as consists of all connecting parkways and roads or drives between public parks, and all avenues, roads, ways, drives, walks, outside of or on the boundaries of public parks which were or are acquired for park purposes, shall be under the direction, control, maintenance and management of the department of public works of said city, and any such property may be declared by resolution of the Board of Aldermen to be a part of the public ways of said city.

HB 53, AN ACT relating to the liability, in cities of the first class, of abutting property owners and cities for improvement, repair, or reconstruction of sidewalks and for injuries to persons or property growing out of defects in sidewalks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Whenever a defect shall occur in the condition of any sidewalk, causing its continued use to be dangerous, hazardous or unsafe, it shall be the primary responsibility of the abutting property owner promptly to repair, reconstruct, or improve such sidewalk, and the abutting property owner shall be primarily liable for injury to persons or property arising out of failure to repair, reconstruct or remedy such defect in accordance with the provisions of this statute.

(2) Pending the completion of the repair, reconstruction, or improvement, the abutting property owner, shall protect the general public from injury by causing the defective portion of the sidewalk to be fenced, barricaded, marked or illuminated, as the circumstances shall reasonably require.

(3) Should the abutting property owner fail to repair, reconstruct or improve a defective sidewalk promptly, the director of public works may cause same to be repaired, reconstructed or improved, pursuant to the provisions of Chapter 93 of the Kentucky Revised Statutes. Such action shall not relieve the abutting property owner of its primary liability for injury to persons or property arising out of such defect.

(4) Should the city fail to cause the abutting property owner to repair a defect in a sidewalk, or should the city itself fail to repair the sidewalk, within a reasonable time after written notice of the defect has been received by its clerk of the board of aldermen, or mayor, or within a reasonable time after the existence of such defect should have been discovered by the city by the exercise of reasonable care and diligence, the city shall become secondarily liable for injury to persons or property arising out of such defect, and subject to suit pursuant to the provisions of K.R.S. 411.110.

HB 54, AN ACT relating to weed and rubbish control in cities of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) It shall be unlawful for the owner, occupant or person having control or management of any land within a city of the first class, to permit a public nuisance, health hazard, or source of filth to develop thereon through the accumulation of rubbish or the excessive growth thereon of weeds or grass.

(2) Whenever such a situation is discovered, the Director of Sanitation of such city of the first class shall give five days' written

notice to remedy such situation. The said notice shall be mailed to the last known address of the owner of the said property, as it appears on the current tax assessment roll. Upon the failure of the owner of the said property to comply, the Director of Sanitation of such city is authorized to send employees upon the said property to remedy such situation.

(3) The city of the first class shall have a lien against the said property for the reasonable value of labor and materials used in remedying such situation. The affidavit of the Director of Sanitation of said first class city shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this statute, and shall be recorded in the office of the County Court Clerk in the County where such city of the first class is located. The said lien shall be notice to all persons from the time of its recording and shall bear interest at 6% per annum thereafter until paid.

HB 55, AN ACT relating to the establishment of emergency flood wall operation funds by counties containing a city of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The Fiscal Court of any county containing a city of the first class is hereby authorized and empowered to establish a fund to be designated and known as an emergency flood wall operation fund and to set aside in said fund and acquire therein from year to year funds for the purpose of operating flood walls when such operation shall become necessary because of flood or other emergency. The fund herein provided shall be a permanent fund and the sums accumulated shall not be used for any other purpose.

(2) The Fiscal Court of such county may add to the fund from year to year such monies out of its general revenue as it deems advisable or necessary.

(3) All monies in said fund shall be kept as other county funds, but shall be invested under the supervision of said Fiscal Court only in obligations of the United States Government.

(4) Such Fiscal Court shall have the power, upon the approval of the majority of the members thereof, to receive any funds by gift or devise to be placed in or become a part of such emergency flood wall operation fund upon such terms and conditions as the Fiscal Court shall deem proper.

HB 56, AN ACT concerning zoning and planning in cities of the first class and in counties containing such cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 100.068 of the Kentucky Revised Statutes is amended to read as follows:

Except as otherwise provided herein, the lawful use of land for trade, industry or residence, existing at the time of adoption of any zoning regulation or restriction, or at the time of the adjustment or revision thereof, or amendment thereto, although such use does not conform to the provisions of such new regulations or restrictions, may be continued. If such non-conforming use is discontinued for a period of one year, without the owner thereof making a reasonable effort to resume such nonconforming use or to lease such property for the same or a more restricted use, any future use of such land shall be in conformity with the provisions of such then existing zoning regulations or restrictions, and other restrictions running with or pertaining to such land, whether by deed, contract, or otherwise.

Section 2. Section 100.069 of the Kentucky Revised Statutes is amended to read as follows:

Except as otherwise provided herein, the use of a building or structure existing at the time of the adoption of any zoning regulation or restriction, or at the time of any adjustment or revision thereof or amendment thereto, although such use does not conform to the provisions of such new regulations or restrictions, may be continued, if no structural alterations or additions are made thereto except those required by some law or ordinance other than zoning regulations or restrictions. If no structural alterations or additions are made, a nonconforming use of a buildign or structure may be changed to another nonconforming use of the same or more restricted classification. If such nonconforming building or structure is removed, damaged, or destroyed to the extent of more than seventy-five percent of its reasonable value, or if such nonconforming use is discontinued for a period of one year, without the owner thereof making a reasonable effort to resume such nonconforming use or to lease such premises for the same or a more restricted use, every future use of such premises shall be in conformity with the then existing zoning regulations adopted in accordance with the provisions of KRS 100.031 to 100.097, and with all other restrictions running with or pertaining to such premises, whether by deed, contract, or otherwise. Nothing herein shall be deemed to prevent the restoration of a building or structure damaged or destroyed to the extent of not more than seventy-five percent of its reasonable value, by fire, explosion or other casualty, or the public enemy, or prevent the continued occupancy or use of such building or structure, or part thereof, remaining.

Section 3. The zoning regualtions and restrictions adopted under the authority of KRS 100.031 to 100.097 may contain reasonable provisions for the eventual termination of nonconforming uses either by specifying the period or periods in which nonconforming uses shall be required to cease, or by providing a formula or formulae whereby the compulsory termination of nonconforming uses may be so reasonably fixed as to allow for the amortization of the then investment in the nonconforming property or use. The foregoing provisions shall also apply to nonconforming uses created by subsequent changes in district boundaries.

HB 57, AN ACT relating to notice to the Fiscal Court of proposed annexation or reduction of territory by cities in counties containing a city of the first class and to protest suits against such annexation or reduction of territory.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Whenever an ordinance proposing annexation or reduction of territory shall be introduced in the legislatitve body of a city of any class in a county containing a city of the first class, a copy of the ordinance shall be forwarded to the Fiscal Court of such county by the Mayor, City Manager, Clerk of the Board of Aldermen or Clerk of the Board of Trustees of such city, at least seven days prior to enactment. Failure to observe the provisions of this section shall render an ordiance null and void.

(2) Whenever the proposed annexation or reduction of territory by a city in a county containing a city of the first class shall be protested according to the applicable provisions of Chapter 81 of the Kentucky Revised Statutes, the Fiscal Court of such county shall be made a party to such protest suit.

HB 58, AN ACT relating to ad valorem taxation by cities of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Sub-section (1) of Section 91.560 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The fee simple of all lands in the city and the full term and renewal of every leasehold carrying with it the value of the improvements thereon, shall be subject, from and after the assessment date each year, to a lien for the city taxes to be assessed thereon for the succeeding year. The lien shall be superior to homestead right and to all encumbrances, whether made before or after that date, except state taxes, and shall take precedence of dower, curtesy, remainders, revisions and other future estates.

Section 2. All omitted property that should have been assessed for ad valorem taxes by cities of the first class prior to January 1, 1956 shall be subject to the same penalties and rate of interest as provided by law for the years when the property was not assessed. All omitted property that should have been asssesed for ad valorem taxes by cities of the first class as of or subsequent to January 1, 1956 shall be subject to a penalty of ten per cent of the amount of the taxes, and interest at one per cent per month from the date when the taxes would have been delinquent had the property been listed as required by law.

HB 59, AN ACT to amend and re-enact Kentucky Revised Statutes 67.410 relating to the administration and enforcement of county building regulations in counties containing a city of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 67.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal court may appoint a qualified and competent person to administer such regulations. His official title shall be "Building Inspector of ___________County, Kentucky." His salary shall be fixed by the fiscal court, and paid out of the county levy. He shall have such deputies and assistants as the fiscal court deems necessary, and their salaries shall likewise be fixed by the fiscal court and paid out of the county levy. The fiscal court shall also pay out of county funds the necessary expenses of his office. The fiscal court may contract with individuals or Corporations for the performance of technical or scientific services required for the proper enforcement and administration of its building regulations.

(2) No person shall build, erect, construct, reconstruct, remodel, relocate, alter or repair any building within the county without first obtaining a building permit from the Building Inspector.

(3) The fiscal court shall establish a system of reasonable fees to be charged every applicant for such permit.

(4) Any person aggrieved by any ruling, order, or decision of such Building Inspector may appeal to the circuit court and to the Court of Appeals.

HB 60, AN ACT to amend and re-enact KRS 28.440 relating to compensation of reporters in counties having a population of 150,000 or more.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 28.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) In counties having a population of 150,000 or more, the reporters of the criminal branch divisions of the circuit court shall continue to receive the salaries now fixed by law; provided, however, that such salaries may be increased or decreased to the amount fixed by the presiding judges of said divisions by written recommendation to the fiscal court of the county, which recommendation shall become effective upon its approval by resolution of the fiscal court, but they shall receive no other compensation from the county or state for their

services as reporters in said divisions, except as hereinafter provided. They shall receive thirty cents per hundred words for making a transcript for a person other than the county or state. If the transcript is made upon motion of the defendant in a criminal case, he shall pay the fee therefor, unless the court directs the reporter to file a transcript upon the motion of a party suing in forma pauperis, in which event the fee shall be paid by the county.

(2) In counties having a population of 150,000 or more, the fees of reporters serving in civil cases in any division of the circuit court shall be fixed by the presiding judge thereof at not more than ten dollars per day for taking stenographic reports, and thirty cents per hundred words for the transcript thereof, which shall be paid forthwith by the party in whose behalf the report or transcript is ordered, and shall be taxed as part of the costs of the action. The reporter shall not be required to file any transcript without payment therefor by the party in whose behalf it is ordered, unless the presiding judge of the division directs him to file a transcript upon the motion of a party suing in forma pauperis.

(a) Reporters of the common pleas branch of the court shall continue to be paid the salaries now provided by law in addition to the fees above prescribed; provided, however, that such salaries may be increased or decreased to the amount fixed by a majority of the members of the general term of the circuit court by written recommendation to the fiscal court of the county, which recommendation shall become effective upon its approval by resolution of the fiscal court.

(b) Reporters of the chancery branch of the court shall be paid salaries in addition to the fees above prescribed, such salaries to be fixed by a majority of the members of the general term of the circuit court by written recommendation to the fiscal court of the county, which recommendation shall become effective upon its approval by resolution of the fiscal court; provided, however, that such salaries may be increased or decreased in the same manner as provided for reporters of the common pleas branch of the court.

(3) For duplicate copies of transcripts, reporters in counties having a population of 150,000 or more shall be allowed one-half the amount they are allowed for the original, to be paid for in the same manner as the original.

HB 61, AN ACT concerning an alternative method of rendering governmental service in any county containing a city of the first class, including within such method the extension of the boundaries of any such city of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In any county containing a city of the first class, the Mayor of the City of the first class with the approval of the Board of

Aldermen, may submit to the Fiscal Court a plan for the improvement of local government in the County as set out herein below. The Fiscal Court shall, if they approve, deliver a certified copy of the plan to the County Clerk, who shall cause to be submitted to the qualified voters of the affected areas at the next general election which does not occur within less than ninety (90) days of the submission by the Mayor of the plan to the Fiscal Court, the question set out in Section 8 of this Act. In any event the Fiscal Court shall express its approval or disapproval of the plan within thirty (30) days of the submission of the plan by the Mayor to them.

Section 2. Any such plan shall define the area within the county wherein density of population, land use, or other similar factors require municipal-type services for the residents thereof.

Section 3. Any such plan shall name the various governmental services which will be rendered in the county in a manner different after the approval of the plan than before, and it shall also specify the statutory authority for such change in service.

Section 4. Any such plan may include the rendition by the county or the city of services in accordance with the provisions of KRS 79.110 through 79.180 inclusive.

Section 5. The votes on the plan shall be tabulated in the following manner:

(a) The total votes cast within the city of the first class shall be tabulated as a separate total.

(b) The total votes cast in the affected area as described pursuant to Section 2 of this Act, but lying outside of the city of the first class shall be tabulated as a separate total; included within this total, the votes cast in each city within this area, which has been incorporated more than twelve (12) months prior to the submission to the qualified voters of the question on the plan, shall be tabulated as individual totals for the purposes described in Section 6 (b) and 6 (c) of this Act.

Section 6. (a) If more than half of the votes cast within the city of the first class and more than half of the votes cast in the affected area outside of the city of the first class are in favor of the plan, then it shall be effected and the boundaries of the city of the first class shall thirty (30) days after the certification of the election be extended so as to include the area described in accordance with Section 2 of this Act, including any city of a lesser class within such area, except,

(b) If in any city other than of the first class within the area affected (except cities incorporated within twelve (12) months of the submission of the question on the plan to the voters), more than half of the votes cast are opposed to the plan, such city shall be excluded from the new boundaries of the city of the first class. The total votes cast in any such city rejecting the plan shall be deducted from the total votes cast on the question so that the votes cast in such city shall have no effect upon the acceptance or rejection of the plan as a whole.

(c) If the plan is approved, thereafter, neither the County government nor any of its agencies or joint agencies shall be required to render any services within a rejecting city that it does not render within a city of the first class in accordance with the plan. However, the Fiscal Court may determine that the rendition of any governmental service within a rejecting city is necessary for the public health, safety or welfare in which event the rejecting city may be required to pay to the County the costs of such services rendered.

(d) The city of the first class shall be bound for all the debts and liabilities and shall be the owner of all corporate property, franchises and rights of any city included within its boundaries extended as hereinabove provided and becoming a part thereof; thirty (30) days after the certification of the approval of the plan by the voters any such city shall cease to exist.

Section 7. The plan described in Section 1 of this Act shall be advertised by the Clerk of the Fiscal Court for the two weeks next preceding the election in a newspaper of daily circulation in the County.

Section 8. The question to the qualified voters in the affected area under this Act shall be in substantially the following form: "Do you favor the proposed Plan for the Improvement of Local Government in ________________County submitted by the Fiscal Court calling for (1) re-grouping and re-organization of certain governmental service functions, and (2) extension of the city limits of____________?
YES____________ NO____________

Section 9. The method of extending the boundaries of cities of the first class, and of consolidating governmental services described in this Act shall be considered as alternative to any other existing means under the law for accomplishing those purposes, or either of them.

Section 10. It is the intent of the General Assembly that each provision of this Act is severable. If any part of this Act should be held unconstitutional, the remaining parts shall remain in force.

HB 64, AN ACT relating to payment by cities and counties for hospital treatment of indigent residents.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 216.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any city or county of this state may, for the hospitalization

of its indigent residents, at the expense of the city or county, enter into a contract with any other city, county, or city-county board of health in this state that owns and operates its own hospital. If in any city or county there is no publicly-owned hospital, the city or the Fiscal Court of the county may enter into such a contract with any privately-owned hospital in any county of this state.

(2) Whether or not any city or county has entered into a contract provided for in Subsection (1) of this Section, any city or county of this state whose indigent residents have been furnished medicine, medical care, or hospitalization on an emergency basis by any city-owned hospital or hospital established and operated under the provisions of KRS 212.350 to 212.630 may reimburse such hospital for said services.

HB 69, AN ACT relating to the operation and maintenance of the Executive Mansion, making an appropriation therefor, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Department of Finance shall be responsible for the management, maintenance and operation of the Executive Mansion. Such personnel as are necessary for the operation and maintenance of the Executive Mansion shall be employed by the Department of Finance. None of the provisions of KRS 42.120 shall apply to personnel employed to maintain and operate the Mansion.

Section 2. There is hereby appropriated out of the General Expenditure Fund to the Department of Finance the sum of six thousand two hundred eighty dollars for the personnel costs of the operation of the Executive Mansion. This appropriation shall be available for expenditure during the 1955-1956 fiscal year.

Section 3. Whereas, sufficient funds are not available to pay personnel costs of operation of the Executive Mansion, an emergency is hereby declared to exist and this Act shall take effect upon its passage and approval by the Governor, and shall be retroactive to include the payment of salaries of any persons employed at the Executive Mansion for the months of December, 1955 and January, 1956, which have not been paid up to the date of the passage and approval hereof.

HB 75, AN ACT relating to the payment of certain expenses of Commonwealth's attorneys, and declaring an emergency to exist.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each Commonwealth's attorney of the State shall be paid out of the State Treasury, each month, the sum of one hundred and twenty-five dollars, which sum is hereby declared to be the equivalent of the minimum sum that each Commonwealth's attorney will expend each month, in the performance of his official duties, for postage, telephone service, supplies, stationery, and books and periodicals. The Commissioner of Finance shall, on the first of each month, draw his warrant on the Treasurer in favor of each Commonwealth's attorney, for the sum above stated, and the same shall be paid out of the Revolving Fund created by Section 2 of this Act. The sums so received shall be expended by each Commonwealth's attorney in his discretion, the manner in which the same shall be applied in payment or reimbursement of such expenses being determined by such officer.

Section 2. To provide the revenue necessary to carry out the provisions of this Act, a tax of two dollars is hereby levied upon conviction in each criminal case carrying a fine where the fine is paid into the State Treasury. The funds raised by the aforesaid tax shall be paid into the State Treasury, and shall be deposited into a revolving fund which hereby is created and designated the Commonwealth's Attorneys' Expense Account, and from which found the appropriations hereunder shall be disbursed.

Section 3. In anticipation of the collection of the revenue herein provided for, and to enable the State Treasury to make timely payments under the provisions of this Act, the sum of sixty thousand dollars shall be advanced from the General Fund to the Commonwealth's Attorneys' Expense Account. Said sum shall be repaid to the General Fund at the close of the fiscal year 1956-1957 and at the close of each fiscal year thereafter, from surpluses which shall have accumulated in the Commonwealth's Attorneys' Expense Account in excess of twenty-five thousand dollars. After said advancement has been paid in full, any surplus in excess of twenty-five thousand dollars which shall have accumulated in excess of twenty-five thousand dollars which shall have accumulated to the Commonwealth's Attorneys' Expense Account at the close of any fiscal year shall be transferred to and become a part of the General Fund of the Commonwealth.

Section 4. WHEREAS, present economic conditions are such as to impose an unconscionable burden upon the Commonwealth's attorneys of the Commonwealth, and to create a threat to the expeditious and impartial administration of law enforcement, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Read at length for the first time and ordered placed in the Calendar.

Municipalities reported **HB 47, HB 19** with the expression of opinion that the same should pass.

Judiciary reported **SR 16** with expression of opinion that the same should pass.

HB 47, AN ACT changing the classification of the City of Morgantown, in Butler County.

Whereas, satisfactory information has been presented to the General Assembly that the population of the City of Morgantown, in Butler County, is such as to justify its being classified as a city of the fifth class,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Morgantown, in Butler County, is transferred from the sixth to the fifth class of cities.

HB 19, AN ACT relating to the reappraisal for ad valorem taxes in cities, counties and other taxing districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.670 of the Kentucky Revised Statutes is amended to read as follows:

Whenever a city or county by order of its legislative body petitions the department for a reappraisal of the properties therein and the department, after investigation, determines that a reappraisal is necessary, the department shall, according to the comparative need therefor, provide personnel and other assistance to aid the city assessor or county tax commissioner in accomplishing this result. The Department of Revenue shall prescribe methods and specifications for the reappraisal of property. Personnel authorized to assist in making a city or county reappraisal under this section may be given the same authority as a deputy tax commissioner or deputy city assessor. Cities, counties and other taxing districts may make appropriations from their general funds to share expenses incurred for such purposes by the department or for the purpose of employing other assistance in conducting such reappraisal projects.

Read at length for the first time and ordered placed in the Calendar.

SR 16: A JOINT RESOLUTION providing for an investigation and study, by the Legislative Research Commission in cooperation with a special committee of the Kentucky State Bar Association, of the Uniform Commercial Code, with particular reference to its effect upon existing Kentucky law.

WHEREAS, the proposed Uniform Commercial Code, as promulgated by the American Law Institute and the National Conference of Commissioners on Uniform State Laws, embodies a comprehensive revision and modernization of substantially the entire field of commercial law, based upon more than ten years of research, study, consideration and discussion; and

WHEREAS, in many states studies have been made or are now in the process of being made with the view of determining what effect the Code would have upon the existing law of the state, and the desirability of enacting the Code into law; and

WHEREAS, the nature and scope of the Code, and the consideration that is being given to it in other states, including the fact of its enactment by the State of Pennsylvania, are as to warrant study and investigation by this state as a basis for determining the advisability of enacting it into law in this State; and

WHEREAS, the Kentucky State Bar Association has established a special committee for study of the Code, the services of which are available to assist in the preparation of a comprehensive report designed to furnish adequate information for legislative action;

NOW THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission, by and with the advice and counsel of the Uniform Commercial Code Committee heretofore appointed by the President of the Kentucky State Bar Association, is authorized and directed to make an investigation and study of the proposed Uniform Commercial Code, with the view of determining generally its effect upon existing Kentucky law and with the further view of collecting such information concerning the Code as will enable the General Assembly to be fully advised of the factors bearing upon the advisability and desirability of enacting the Code into law in Kentucky.

Section 2. That the Legislative Research Commission shall prepare a report embodying the results of the study and investigation and make the same available for distribution by July 1, 1957.

Calendar

HB 62, HB 24, HB 6, HB 31, HB 39, HB 11 were taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be placed in Orders of the Day. Agreed.

HB 2 taken from the Orders of the Day. Representative Morgan moved that it be read by title only. Agreed.

Mr. Morgan moved the Previous Question. Agreed.

HB 2 ordered read at length the third time.

On roll call, the vote was yeas 90—Bates, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Davis, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 2** was passed.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 4 taken from Orders of the Day. Representative Morgan moved that it be placed on passage and moved the Previous Question. Agreed.

On roll call, the vote was yeas 88—Bates, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Davis, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Young. Nays 0. **HB 4** was passed.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 40 taken from Orders of the Day. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 84—Bates, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Casey, Caudill, Conrad, Cornett, Davis, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 4—Carter, Day, Lambert, Williamson. **HB 40** was passed.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 1 taken from Orders of the Day. Representative Morgan moved the adoption of Amendment No. 1 to read as follows: "Amend printed copy of House Bill 1, on page 2, section 1, line 1, by striking out the Kentucky Revised Statute reference number '205.290.'" Agreed.

Mr. Morgan moved the Previous Question on **HB 1.** Agreed.

HB 1 ordered read at length the third time.

On roll call, the vote was yeas 84—Bates, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Davis, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, Reynolds Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 2—Breckinridge, R. Reid. **HB 1** was passed.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Introduction of Bills

HB 99, by Representative Melton, AN ACT relating to planning and zoning in cities of third through sixth class.

HB 100, by Representatives Flanery, Blankenship, Bates, John B. Reid, Newsom, Buchanan, Hislope, Baumgardner, Thomas, Gay, Blue, Griffin, Isler, Qualls, Reynolds, Hilton, Bush, Melton, Howard V. Reid, Davis, Wirsch, Heskamp, Embry, Johnson, Jennings, Caudill, Sloan, Hinkle, Saylor, Grundy, Peace, McFadden, Carter, Dunsil, Stith, Vernon Reed, Lambert, McKinney, Mullins, Hawkins, Freeman, Robert Reid, A. W. Wells, Nunn, Clyde S. Howard, Mackey, Highland, Hahn, Hill, Martin, Cornett, Hadden, Grigsby, D. W. Howard,

Walsh, Ratcliffe, Rayburn, Casey, Davidson, Miller, AN ACT to amend the Constitution of Kentucky to provide for a bonus for citizens of Kentucky who served as members of the armed forces of the United States in any war.

HB 101, by Representative Day, AN ACT relating to licensing of motor vehicles and operators.

HB 102, by Representative Day, AN ACT relating to licensing of motor vehicles and operators.

HB 103, by Representative Peace, AN ACT proposing an amendment to Section 170 of the Constitution of Kentucky relating to exemption of property from taxation.

HB 104, by Representative A. W. Wells, AN ACT relating to motor vehicles.

HB 105, by Representative Lowman, AN ACT relating to elections.

HB 106, by Representative Morgan, AN ACT relating to personnel appointed by the Governor, amending sections 11.040 and 11.110 of the Kentucky Revised Statutes and repealing section 11.030 of the Kentucky Revised Statutes.

HB 107, by Representatives Breckinridge, Gay and Ockerman, AN ACT relating to school officers and employees and amending section 64.600 of the Kentucky Revised Statutes.

HB 108, by Representatives Ockerman, Gay and Breckinridge, AN ACT repealing section 64.645 of the Kentucky Revised Statutes relating to the limitation of salaries payable to officers and employees of the state institutions of higher education.

HB 109, by Representative Burnley, AN ACT calling for a constitutional convention.

HB 110, by Representative Buchanan, AN ACT relating to the appointment of counsel to represent paupers and payment of same.

HB 111, by Representative Burnley, AN ACT relating to elections with particular relation to elections, both regular and primary, in cities under the city manager form of government.

HB 112, by Representatives Ray, Murphy, Walsh, Baumgardner, Miller, Farmer, AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same among the sinking fund, general fund and special capital fund account of such cities; restriction on ad valorem tax for sinking fund purposes; restriction on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

HB 113, by Representative Day, AN ACT calling for a limited Constitutional Convention.

HB 114, by Representative Morgan, AN ACT relating to public assistance, amending Section 205.290 of the Kentucky Revised Statutes.

Introduction of Resolutions

HR 9, by Representative Bates, A CONCURRENT RESOLUTION memorializing Congress to restore tobacco acreage allotments to their 1955 level.

HR 10, by Representative Bridgers, A JOINT RESOLUTION authorizing Theda Sue Love Waldridge, administratrix of the estate of Ernest L. Love, of Jefferson County, to sue the Department of Highways and the Commonwealth, or either.

Reference of Bills

Ways and Means: **HR 2, HB 65, HB 66, HB 69, HB 75**

Military Affairs: **HR 3**

Banking & Insurance: **HB 67**

Executive & Legislative Affairs: **HB 68, HB 70**

Public Utilities: **HB 71**

Municipalities: **HB 72, HB 73**

Agriculture & State Fair: **HB 74**

Representative Morgan moved to adjourn until 10 A. M., January 13. Agreed.

FRIDAY, JANUARY 13, 1956

TENTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend E. W. Baxter, Church of the Ascension, of Frankfort.

Roll call showed all present except Barnum, Billington, Casey, Everett, Farmer, D. W. Howard, Isler, Lambert, Nunnelley, Qualls, Ray, Rayburn, Reynolds, Searcy, Tinsley, Weintraub, Williamson, who were granted leave of absence on motion of Representative Morgan.

Representative Morgan moved that reading of the January 12 Journal be dispensed with and that same be approved. Agreed.

Senate Message

Senate message with Amendment to **HB 3**, read by Clerk.

"Amend printed copy of **HB 3**, page 3, section 6, lines 3-8 to read as follows:

(1) Employees of the General Assembly shall receive a per diem, as follows: Chief Clerk, thirty-six dollars; assistant clerk, twenty-six dollars; enrolling clerk, twenty dollars; sergeant-at-arms, twenty dollars; doorkeepers, eighteen dollars; janitors, twelve dollars; cloakroom keeper, twelve dollars, pages, six dollars each."

Representative Morgan moved that the Amendment be adopted. Agreed.

Representative Morgan moved that **HB 3** pass as amended. Agreed.

On roll call, the vote was yeas 77—Anderson, Bates, Baumgardner, Beshear, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Embry, Fitzpatrick, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Ratcliffe, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Stith, Tanner, Thomas, Thompson, Walsh, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 0. The bill was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Report of Committees

Suffrage and Election reported **HB 18** with expression of opinion that the same should pass with Committee Amendment.

HB 18, AN ACT relating to elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 116.140 of the Kentucky Revised Statutes is amended to read as follows:

Compensation of the judges, clerk and sheriff of elections shall be fixed by the fiscal court of the county, not to exceed eight dollars each for each election in which they serve, including elections to fill vacancies, to be paid by the county. For delivering election returns the sheriff and judge of the opposite political party from the sheriff shall receive in addition eight cents for each mile necessarily traveled from the place of voting to and from the place of delivery, to be paid by the county.

Read at length for the first time and ordered placed in the Calendar.

Calendar

HB 42, HB 52, HB 53, HB 54, HB 55, HB 56, HB 57, HB 58, HB 59, HB 60, HB 61, HB 64, HB 69, HB 75, HB 19, HB 47 were taken from the Calender and ordered read at length for the second time. Ordered placed in Orders of the Day.

Orders of the Day

HB 24 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed.

Representative Thomas moved the Previous Question. Agreed.

HB 24 ordered read at length third time.

On roll call, the vote was yeas 80—Anderson, Bates, Baumgardner, Beshear, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Stith, Tanner, Thomas, Thompson, Walsh, A. W. Wells, L. B. Wells, Wilson, Young. Nays 0. The bill was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 11 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed.

Representative Caudill moved to amend **HB 11** as follows: "Amend printed copy of 11 on page 1, section 3, line 6, following 'where' the next word shall be 'dower' instead of 'dewer'". Agreed.

Mr. Morgan moved the Previous Question on **HB 11**. Agreed.

HB 11 ordered read at length the third time.

On roll call, the vote was yeas 77—Anderson, Bates, Baumgardner, Beshear, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Embry, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Ratcliffe, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Stith, Thomas, Thompson, Walsh, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 0. The bill was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Recess

Rules suspended on motion of Representative Burnley. Representative Burnley moved for a 10-minute recess for Enrollment Committee meeting. Agreed.

At the appointed hour the Speaker called the House to Order.

Report of Committees

Committee on Enrollment reported that **HB 3** had been examined and found correctly enrolled. Said bill read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate. **HB 3** delivered, signed by President of the Senate. Ordered delivered to the Governor.

Orders of the Day

HB 6 was taken from Orders of the Day. Representative Morgan moved to place it on passage. Agreed.

Representative Howard moved to adopt Amendment 1 which reads as follows: "Amend printed copy of HB 6, on page 1, line 8, change word 'exchange' to read 'change.'" Agreed.

Representative Mackey moved to adopt Amendment 2 which reads as follows: "Amend printed copy of HB 6, on page 1, line 7, by changing words 'six months' to 'sixty days.'" Agreed.

Representative Breckinridge moved the adoption of Amendment 3 which reads as follows: "Amend printed copy of House Bill 6, on page 1, lines 5, 6, 7, 8, 9 by striking out the words 'If, the wife has changed her residence to a county other than that in which she resides with her husband before separation, any such action filed within six months from the time of the exchange, must be filed in the county from which she moved, if the husband is still a resident of that county' and substitute in lieu thereof the following: 'If the wife has changed her residence to a county other than that in which she resided with her husband before separation, and the husband is still a resident of the county where the parties have previously resided, any such action filed within six months from the time of said change shall upon notice and motion duly served on the plaintiff and filed of record, be dismissed at plaintiff's cost, and plaintiff may bring action in the county of the parties' aforesaid residence.'" Adopted.

Representative Breckinridge moved that he be permitted to withdraw Amendment No. 3 to **HB 6.** Agreed.

Representative Lowman moved for reconsideration of the vote by which Amendment No. 1 and Amendment No. 2 were adopted. Agreed.

Representative Lowman moved for reconsideration of the vote by which Amendment No. 3 was adopted. Agreed.

Representative Lowman moved that Amendment No. 3 be adopted in lieu of Committee Amendment. Agreed. Representative Morgan moved for passage as amended, Agreed.

HB 6 ordered read at length for the third time.

On roll call, the vote was yeas 73—Anderson, Bates, Baumgardner, Beshear, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Ratcliff, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Stith, Thomas, L. B. Wells, Young. Nays 0. The bill was passed and the title agreed to.

Representative Mackey moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Rules suspended on motion of Representative Ockerman. Representative Ockerman moved that adjournment of House at time of regular adjournment be out of respect for Ex-Mayor Thomas Mooney, of Lexington. Agreed.

HB 31 taken from Orders of the Day. Representative Morgan moved that it be placed on passage and moved the Previous Question. Agreed.

HB 31 read at length the third time.

On roll call, the vote was yeas 69—Anderson, Bates, Baumgardner, Beshear, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Carter, Caudill, Conrad, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hinkle, Hislope, Holsclaw, C. S. Howard, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Parrish, Peace, Pollitte, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Stith, Tanner, Thomas, Walsh, A. W. Wells, L. B. Wells, Wilson, Young. Nays 0. The bill was passed and the title agreed to.

Representative Morgan moved that the vote by which said Bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 39 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed.

HB 39 read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 66—Beshear, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Carter, Caudill, Concrad, Cornett, Cottengim, Davidson, Day, Embry, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Stith, Tanner, Thomas, Walsh, L. B. Wells, Wilson, Young. Nays 0. The bill was passed and the title agreed to.

Representative Morgan moved that the vote by which said Bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 62 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed.

HB 62 read at length the third time. Representative Morgan moved the Previous Question.

On roll call, the vote was yeas 70—Anderson, Bates, Baumgardner, Beshear, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Embry, Flanery, Freeman, Greene, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Johnson, Kubale, Lowman, Mackey, Martin, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Ratcliffe Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Stith, Tanner, Thomas, Walsh, A. W. Wells, L. B. Wells, Wilson, Young. Nays 1—Grigsby. The bill was passed and the title agreed to.

Reference of Bills

Transportation and Highways: **HB 76, HB 81.**

Agriculture and State Fair: **HB 77.**

Revenue and Taxation: **HB 78, HR 6.**
State and County Government: **HB 79.**
Ways and Means: **HB 80, HB 82, HB 84, HB 86, HB 87, HB 89, HB 91, HB 96.**
Judiciary: **HB 83, HB 94, HB 95.**
Education: **HB 85, HB 88, HB 90, HR 5.**
Conservation: **HB 92, HB 97, HB 93.**
Municipalities: **HB 98.**
Claims: **HR 7, HR 8.**

Introduction of Bills and Resolutions

HB 115, by Representative Moore, AN ACT relating to compensation of justices and commissioners for serving on fiscal courts.

HB 116, by Representative Casey, AN ACT relating to conservation officers.

HB 117, by Representative Hilton, AN ACT relating to county government.

HB 118, by Representatives Jennings and Rayburn, AN ACT relating to public assistance.

HB 119, by Representative Lowman, AN ACT relating to police courts.

HB 120, by Representatives Newsom, John B. Reed, AN ACT relating to dog and livestock protection.

HB 121, by Representative Davidson, AN ACT relating to walking horses being exhibited in the state of Kentucky.

HB 122, by Representative Bridgers, AN ACT relating to installment sales contracts of motor vehicles.

HB 123, by Representative Harris, AN ACT relating to operator's license certificates.

HB 124, by Representative Cottengim, AN ACT related to sanitation districts and water pollution control.

HB 125, by Representative Cottengim, AN ACT relating to wages and hours.

HR 11, by Representative Freeman, A CONCURRENT RESOLUTION memorializing Congress to restore tobacco acreage allotments to their 1955 level.

Speaker Fitzpatrick announced that the Chief Clerk of the House had received the Certificate of Election of C. J. Barnum, from the 40th Legislative District of Jefferson County, and also received an affidavit of Matthew O. Henchey, Justice of the Peace of the First

Magisterial District of Jefferson County, Kentucky, to the effect that Mr. Barnum was administered oath of office on January 13, 1956, qualifying C. J. Barnum to perform the duties of said office.

Commonwealth of Kentucky, County of Jefferson
Certificate of Election

We, the undersigned, duly authorized to canvass the returns of the County of Jefferson, do hereby Certify that at the General Election, held in said County on November 8, 1955 the following vote was tabulated for the office of STATE REPRESENTATIVE 40th LEGISLATIVE DISTRICT Jefferson County Kentucky.

Clarence J. Barnum	5945 Votes
Margaret M. Rosenfeld	3979 Votes

CLARENCE J. BARNUM having received the highest number of votes cast for the office of STATE REPRESENTATIVE 40th LEGISLATIVE DISTRICT was duly elected to fill the said office.

Witness our hands, this the 17th day of November 1955, at Louisville, Kentucky.

/S/Bruce Hoblitzell
Chairman, Jefferson County Election Commission.

/S/Charles P. Farnsley
Democratic Election Commissioner.

/S/L. C. Willis
Republican Election Commissioner.

Affidavit

The affiant, Matthew O. Henchey, Justice of the Peace, First Magisterial District, Louisville, Jefferson County, Kentucky, states that Clarence J. Barnum of Louisville, Jefferson County, Kentucky, presented a Certificate of Election which declared that he had been duly elected to the Office of State Representative for the 40th Legislative District of Jefferson County, Kentucky, on November 8, 1955.

WHEREUPON, the oath of office as prescribed by Kentucky Revised Statutes, was administered by me this 13th day of January, 1956, qualifying Clarence J. Barnum to perform the duties of said office.

Matthew O. Henchey
Justice of the Peace
First Magisterial District
Jefferson County, Kentucky

Representative Morgan moved to adjourn until 8 P. M., Monday, January 16. Agreed.

MONDAY, JANUARY 16, 1956

TWELFTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Carter Roberts, Church of the Nazarene, of Frankfort.

Roll call showed all present except Barnum, Blue, Casey, Caudill, Flanery, Griffin, D. W. Howard, Lambert, Lowman, Nunnelley, Pollitte, Qualls, Ratcliffe, Rayburn, Thomas, Tinsley, Weintraub.

Mrs. Randolph Wilson, Representative from Barren County, introduced Mr. George Carr Ganter, who spoke on Soil Conservation. Mr. Ganter was a recent recipient of a $1000 award by the Federal Government for his work in soil conservation.

Senate Message announcing passage of **SB 5** read by Clerk.

Representative Isler moved that reading of January 13 Journal be dispensed with and that same be approved. Agreed.

Calendar

HB 18 was taken from the Calendar and ordered read at length for the second time. Ordered placed in Orders of the Day.

Orders of the Day

HB 42 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed.

HB 42 ordered read at length the third time.

Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 80—Anderson, Bates, Beshear, Billington, Blankenship, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Embrey, Everett, Farmer, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. The bill was passed and the title agreed to.

Representative Morgan moved that the vote by which said Bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 19 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed.

Representative Burnley moved the Previous Question. Agreed. Ordered read at length the third time.

On roll call, the vote was yeas 75—Anderson, Beshear, Billington, Blankenship, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 1—Peace. The bill was passed and the title agreed to.

Introduction of Bills and Resolutions

HB 126, by Represenatives Breathitt, Howard V. Reid, Buchanan, Grigsby, Melton, Hislope, Moore, Everett, Peace, AN ACT relating to city police and fire departments.

HB 127, by Representative Blankenship, AN ACT relating to the financial responsibility of owners and operators of motor vehicles.

HB 128, by Representative Peace, AN ACT relating to city police and fire departments.

HB 129, by Representative Peace, AN ACT relating to annexation of territory by a city of the third class and repealing Section 81.195 of the Kentucky Revised Statutes.

HB 130, by Representative Peace, AN ACT relating to revenue and taxation.

HB 131, by Representative Thompson, AN ACT relating to the terms of court for the Twenty-fifth Judicial District.

HB 132, by Representative Williamson, AN ACT relating to highways.

HB 133, by Representative McCallum, AN ACT changing the classification of the City of Benton, in Marshall County.

HB 134, by Representative McCallum, AN ACT relating to contracts and separate estate of married women.

HB 135, by Representative Searcy, AN ACT relating to tobacco marketing equipment.

HB 136, by Representative Ockerman, AN ACT relating to city officials and employes.

HB 137, by Represenatives Cottengim, Isler, AN ACT relating to adoption.

HB 138, by Representative Cottengim, AN ACT relating to sanitation and adequate shelter for certain railroad employes.

HB 139, by Representative Cottengim, AN ACT relating to compensation of officers of sanitation districts, and amending Section 220.170 of the Kentucky Revised Statutes.

HB 140, by Representatives Cornett, Gay, Carter, AN ACT relating to persons under twenty-one years and over eighteen years of age.

HB 141, by Representative Day, AN ACT relating to licensing of motor vehicles and operators.

HB 142, by Representatives Cottengim, Isler, Grundy, Wirsch, AN ACT relating to coroners.

HB 143, by Representative Burnley, AN ACT relating to registration of voters.

HR 12, by Representative Everett, A JOINT RESOLUTION providing for the purchase and distribution of "The Kentucky State Digest", providing for paying the cost thereof, and making an appropriation for the purpose.

Reference of Bills

Municipalities: **HB 99, HB 105, HB 111, HB 119.**
Suffrage, Elect and Const. Amend.: **HB 100, HB 109, HB 113.**
Ways and Means: **HB 101, HB 102, HB 106, HB 107, HB 112, HB 114, HB 120, HB 123, HB 124.**
Revenue and Taxation: **HB 103.**
Transportation and Highways: **HB 104, HB 122.**
Education: **HB 108.**
Judiciary: **HB 110.**
State and County Government: **HB 115, HB 117.**
Conservation: **HB 116.**
Health and Welfare: **HB 118.**
Agriculture and State Fair: **HB 121, HR 11.**
Labor and Industry: **HB 125.**

Orders of the Day

HB 47 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed.

Representative McKinney moved to amend **HB 47** as follows: "Amend printed copy of HB 47, on page 1, section, line, by inserting after line 2, 'WHEREAS, the City of Morgantown properly belongs in the fifth class of cities, and is handicapped in its operations by its present classification, an emergency is declared to exist, and this Act shall become effective immediately upon its passage and approved by the Governor.'" Adopted.

Mr. McKinney moved to amend the title to **HB 47** as follows: "Amend printed copy of HB 47, on page 1, Title, by adding the words 'and declaring an emergency.'" Adopted. Ordered read at length the **third time.**

On roll call, the vote was yeas 79—Anderson, Bates, Beshear, Billington, Blankenship, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Ray, J. B. Reed, V. Reed, H. V. Reid, Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 0. The bill was passed and the title agreed to.

Representative Morgan moved to adjourn until 1 P. M., January 17. Agreed.

TUESDAY, JANUARY 17, 1956

THIRTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend H. Glenn Stephens, South Frankfort Presbyterian Church, of Frankfort.

Roll Call showed all present except Barnum, Davis, D. W. Howard, Miller, Nunnelley, Tinsley.

Senate message announcing passage of **SB 16, SR 23,** read by Clerk.

Representative Morgan moved that reading of January 16 Journal be dispensed with and that same be approved. Agreed.

Report of Committees

The Committee on Municipalities reported **HB 44** with the expression of opinion that the same should pass. Read at length for the first time.

HB 44, AN ACT establishing retirement and benefit funds for members of the police and fire departments in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby established in cities of the second class, a retirement and benefit fund for members of the police and fire departments, their dependents and beneficiaries. The Fund shall be established as of July 1, 1956, and shall be known as the "Policemen's and Firemen's Retirement Fund of the City of ______________." In such name all of its business shall be transacted, all of its moneys invested and all of its accumulated reserves consisting of cash, securities, and other property shall be held.

Section 2. The purpose of this Fund is to provide retirement annuities and disability benefits for the members of the police and fire departments who become aged or otherwise incapacitated, and widows' annuities and other benefits to the dependents of such members to the end that such members may accumulate reserves for themselves and their dependents to meet, without prejudice or hardship, the hazards of old age, disability, death, and termination of service, thereby encouraging qualified personnel to enter and remain in the service of such departments.

Section 3. Words and phrases, whenever used in the Act, unless a different meaning is clearly indicated by the context, shall have the following meanings:

(a) "Fund" shall mean the "Policemen's and Firemen's Retirement Fund of the City of __________________."

(b) "City" shall mean any city of the second class in the State of Kentucky, or city of the second class which may subsequently attain first class status.

(c) "Department" shall mean the police department or the fire department of a city.

(d) "Board" shall mean the board of trustees provided for herein as the agency responsible for the direction and operation of the affairs and business of the Fund. The board shall hold title to all assets of the Fund.

(e) "Member" shall mean any member of the police or fire department who is included in the membership of the Fund.

(f) "Service" shall mean actual employment in a department of a city for salary or compensation, or service otherwise creditable as herein provided.

(g) "Prior Service" shall mean service rendered prior to the date of establishment.

(h) "Membership Service" shall mean service rendered on or after the date of establishment.

(i) "Total Service" shall mean prior service, membership service, and military service.

(j) "Regular Interest" shall mean such rate of interest as shall be fixed by the board, provided that for the first five years of operation of the Fund the rate shall be three percent per annum, compounded annually.

(k) "Occupational Disability" shall mean disability due to occupational causes, including but not limited to injury or disease.

(l) "Occupational Death" shall mean death due to occupational causes, including but not limited to injury or disease.

(m) "Average Salary" shall mean the highest average annual salary of the member for any three consecutive years of service within the total service of the member.

(n) The masculine pronoun, wherever used, shall include the feminine pronoun; also, widow shall include widower.

(o) The fiscal year of the Fund shall date from July 1 of any year to June 30 of the next year following.

(p) "Total Disability" shall mean a disability which substantially precludes a person from performing with reasonable regularity the substantial and material parts of any gainful work or occupation in the service of the department that he would be competent to perform were it not for the fact that the impairment is founded upon conditions which render it reasonably certain that it will continue indefinitely.

Section 4. The following persons shall become members of the Fund:

(a) All active full-time members of a department in service on the day prior to the date of establishment.

(b) All persons who become full-time members on or after the date of establishment who shall become members as a condition of employment.

(c) All members of a department who on the date of establishment are working in a civilian or appointive capacity for the city, the State of Kentucky, or the United States of America, while on an approved leave of absence from a department.

Section 5. (1) Each person becoming a member on the date of establishment shall be entitled to full credit for all service rendered prior to such date. Each person becoming a member after the date of establishment shall be entitled to credit after such date, provided contributions are made for all such subsequent service. Total service shall include prior service and membership service.

(2) The following types of service shall be eligible for service credit:

(a) Service as a full-time member of a department of the city.

(b) Service in a civilian or other capacity in the service of the city, State of Kentucky, or the Federal Government, while on approved leave of absence from a department, subject to maximum credit for such service of one year.

(c) Service in any branch of the armed forces of the United States during a period of national emergency while on leave of absence from a department, provided (1) that such leave-of-absence-service shall not exceed five years, and (2) that such member shall re-enter the service of a department of the city within a period of six months following the date of honorable discharge from such service.

(d) All service rendered in a civilian capacity as provided in Section 4, paragraph (c).

(3) In the computation of service credit, nine months or more of service during a year shall entitle a member for one year of service; six to nine months of service shall constitute three-quarters of a year; three to six months, one-half year; less than three months, one-quarter of a year.

Section 6. Any member may, at his option, retire on a service retirement annuity upon or after attainment of the age of 50 years, provided he shall have completed at least 20 years of total service. Upon fulfilment of these terms, it is mandatory that the Board shall grant the retirement annuity upon receipt of the application of said member.

Section 7. Any member who withdraws from service prior to age 50 years after having completed at least 20 years of total service, and who does not accept a refund of contributions, shall receive, upon application, a certificate entitling him to a service retirement annuity upon his attainment of age 50, and specifying the amount of the annuity earned and accrued at the date of withdrawal from service.

Section 8. Each member shall be subject to compulsory retirement according to the rules of the city in which he is employed, provided, however, that any member able to perform his assigned duties shall not be precluded from serving at least 20 years.

Section 9. The rate of retirement annuity shall be 2½ percent of average salary, as defined in Section (3) (m) of this Act, for each year of total service up to and including 20 years, one percent of average salary for each of the next 5 years of total service, one-half percent of average salary for each year of total service after 25 years, subject to a maximum of 60 percent of average salary. Fractional periods of service shall be considered in the calculation of such annuities according to the aforesaid rate.

Section 10. (1) Upon death of a member due to occupational causes, regardless of length of service, his surviving widow shall be entitled immediately upon cessation of salary to an annuity equal to 50 percent of the member's last rate of salary. This annuity shall be payable until she dies or remarries. In addition, if minor children, under age 18, survive the member, the widow shall receive on account of each child, 10 percent of the member's last rate of salary until each child attains age 18. The combined payments to a widow and minor children shall not exceed 75 percent of his final rate of salary.

(2) If a widow does not survive the member, or if she remarries, and minor children under age 18 exist, each child shall be entitled to an annuity equal to 15 percent of the member's last rate of salary until each child attains age 18, provided that the combined payments to such children shall not exceed 50 percent of the member's last rate of salary.

(3) If neither a widow nor minor children, eligible for benefits survive the member, each dependent parent shall be entitled to an annuity equal to 25 percent of the member's last rate of salary, or 50 percent to both parents.

Section 11. (1) Upon death of a member occurring while in service, arising from any cause other than in the performance of duty, provided the member has had at least 10 years of total service, his widow shall receive an annuity equal to 1½ percent of average salary for each year of total service, credited to the member, subject to the following conditions:

(a) The widow had been married to the member at least one year prior to his death.

(b) The widow is at least 45 years of age, otherwise payment will be deferred until she attains such age, except that if she is or becomes totally disabled before age 45, or has a minor child or children by the member in her care under age 18, (including adopted children provided the proceedings for adoption were initiated at least one year prior to death of member) payment of the widow's annuity will begin immediately together with an additional allowance on account of the child or children.

(c) The widow's annuity will terminate in any event when the widow remarries. The annuity of each child or children shall continue until each child attains age 18.

(2) If the widow has minor children under age 18, the annuity to the widow shall be increased one-half on account of the first child and one-fourth on account of each additional child, subject to a maximum combined payment to the widow and children of 50 percent of the final rate of salary.

(3) These benefits shall also be payable upon death of the member while on retirement, provided marriage was in effect for at least one year before retirement.

Section 12. In the event a total and permanent occupational disability occurs, the member shall receive an annuity equal to 60 percent of his last rate of salary. This benefit shall begin at such time as his salary may cease, and shall be paid during his entire lifetime. Upon his death, his eligible widow and minor children, if any, shall receive the benefits as provided under Section 10.

Section 13. (1) Upon total and permanent disability of a member as the result of any cause other than occupational disability, if a member shall have rendered at least 10 years of total service, he shall be entitled to a disability retirement annuity. The amount of such annuity shall be equal to 2½ percent of average salary, as defined in Section (3) (m) of this Act, for each full year of total service, subject to a minimum payment of 25 percent of such average salary, and a maximum payment of 50 percent of average salary. Payment of this annuity shall be made during disability of the member. Upon death of the member, if an eligible widow or minor children survive, such survivors shall be entitled to the regular annuities provided under Section 11 hereof.

(2) Any annuity for non-occupational disability shall begin to accrue upon the expiration of 90 days following the commencement of disability provided that if the member is receiving salary for sick leave for a period of more than 90 days, payment shall accrue from the date such salary ceases. If written application for such annuity shall not have been filed with the Board prior to the expiration of 90 days from date of disability, the annuity shall begin to accrue from the date the application shall be filed but not prior to the expiration of 90 days from the date of disability, nor in any event prior to hte time when salary payments to the employe shall have ceased.

Section 14. For the purpose of this Act, a member shall be considered totally and permanently disabled after the Board shall have received written certification by at least two licensed and practicing physicians selected by the Board that the member is totally and likely to be permanently disabled for the further performance of the duties of any assigned position in the service of the department. If upon consideration of the report of such physicians and such other evidence as shall have been presented to it by the member or others interested therein, the Board finds the member to be totally and permanently disabled, it shall grant him a disability retirement annuity upon written certification that the member has been separated from the service of the city because of total disability of such nature as to reasonably prevent further service for the employer, and as a consequence is not entitled to compensation from the city.

Section 15. (1) Upon death of a member, occurring while in active service, if no widow's annuity or children's annuities are payable, the designated beneficiary of the member or his estate shall be entitled to a death benefit equal to the total contributions made by the member, without interest, or $300.00, whichever is greater.

(2) Upon death of a retired member, if no widow's annuity or children's annuities shall be due or payable, a death benefit shall be paid to the designated beneficiary or estate of the member, equal to the excess, if any, of the total contributions made by the member to this Fund to the date of retirement, without interest, over the total annuity payments received by the member. The minimum payment in such case shall be $300.00. If a widow's annuity or children's annuities are payable after the death of the retired member, the amount of such death benefit, if any, shall be determined upon termination of annuity payments to all survivors of the member, whether such termination occurs by death, remarriage or other cause.

Section 16. (1) Upon withdrawal from service prior to retirement, a member shall be entitled to receive a refund of the amount of contributions made by the member after the date of establishment, without interest.

(2) Any member receiving a refund of contribution shall thereby ipso facto forfeit, waive, and relinquish all accrued rights and benefits in the system, including all credited and creditable service. The Board may, in its discretion, regardless of cause, withhold payment of a refund for a period not to exceed six months after receipt of an application from a member.

(3) Any member who has received a refund shall be considered a new member upon subsequent re-employment if such person qualifies for membership under the provisions hereof. After the completion of at least five years of continuous membership service

following his latest re-employment, such member shall have the right to make a repayment to the system of the amount or amounts previously received as refund, including 6 percent interest from the dates of refund to the date of repayment. Upon the restoration of such refunds, as herein provided, such member shall have reinstated to his account all credited service represented by the refunds of which repayment has been made. Repayment of refunds by any member shall include all refunds received by a member prior to the date of his last withdrawal from service and shall be made in a single sum.

Section 17. Each active member shall contribute a sum equal to 6 percent of current salary. The Director of Finance of the city is hereby authorized to deduct such amount from the salary of each active member in semi-monthly installments. This contribution shall be made as a deduction from salary, notwithstanding that the salary paid in cash to such member may be reduced thereby below the established statutory rate. Every member of the fund shall be deemed to consent and agree to the deduction from salary as herein provided, and shall receipt for his full salary, and payment to such member of salary less such deduction shall constitute a full and complete discharge and acquittance of all claims and demand whatsoever for the services rendered by such member during the period covered by such payment, except as to the benefits herein provided.

Section 18. The city shall make current contributions to the Fund on an actuarially funded basis, toward the annuities and benefits herein provided. These contributions shall be equal to the sum of the following:

(a) An annual amount resulting from the application of a rate percent of salaries of active members, representing the present value of the actuarial reserve requirements for membership service, for service retirement annuity, disability retirement annuity, and annuities to widows and children, and the one-year term premium for the city's liability for death benefits, after applying the contribution by the active members. Such rate percent shall be fixed by the Board every five years after an actuarial survey of the Fund, and shall be in effect for a period of at least five years. For the first five fiscal years of operation of the Fund, the city's rate of contribution shall be at least twelve percent of the salaries of the active members participating in the Fund.

(b) An amount resulting from the application of a rate percent of the salaries of active members which will provide each year regular interest on the remaining liability for prior service.

Section 19. (1) The responsibility for the proper operation of the Fund and the direction of its policies shall be vested in a Board of Trustees of six members, consisting of: (a) the Mayor ex officio; (b) the City Treasurer ex officio; (c) the Chiefs of the police and fire departments ex officio; and (d) one active member of each Department, who shall be elected by ballot by the active members of the respective Departments and shall serve for term of one year under rules adopted by the Board. In the event of a vacancy of an elected member, the pension board may fill the vacancy by appointment until the next regular election.

(2) It is the intention of this Act that the present elected members of the pension board shall continue in office as members of the Board of Trustees herein provided, shall succeed to the office of trustee under the provisions hereof and shall assume the duties and obligations as herein provided. Such members shall continue in office until the expiration of their respective terms of office, when elections shall be held for successors as herein provided.

Section 20. (1) Subject to the foregoing provisions, there shall be held on the first Wednesday after the first Tuesday of September of each year an election among the active members for trustee of the Fund.

(2) On or before August 10 preceding, nominations for candidates in the election shall be filed with the Chief of the police department and the Chief of the fire department. The nominations shall be in writing and shall be signed by not less than twenty-five percent of the members. Within five days after the close of nominations, the Chiefs of the respective departments shall certify in writing to all districts and bureaus of the Departments the names of those placed in nomination.

(3) On the first Wednesday after the first Tuesday in September beginning at the hour of 12 noon on Wednesday and continuing thereafter for a twenty-four hour period, an election shall be held under the supervision of the commanding officers of the districts and bureaus. Each member shall vote at the district or bureau of which he is a member, except those members who are not assigned to a specific district or bureau, who shall vote at the office of the Chief of Police or Chief of the Fire Department, as the case may be. At the close of voting, the commanding officer of each district or bureau, shall in the presence of the nominees or their duly authorized agents, open the ballot box and count the votes. He shall then make a certificate of the count and send the certificate with the ballots in a sealed envelope to the Mayor, who shall, on the following Wednesday, open all the certificates so received and after counting all the returns, certify the result to the Board. On the third Wednesday after the first Tuesday in September the candidate or candidates receiving the most votes shall assume office.

Section 21. The Board shall have, in addition to other duties arising out of this Act, the following duties:

(1) Establish and maintain an office in the facilities provided by the city for the meetings of the Board and the keeping of the books, accounts, and records of the Fund; hold regular meetings monthly, and such special meetings as may be deemed necessary; and keep a full record of all its proceedings, which shall be open to inspection by the public.

(2) Provide for the installation of a system of accounts and records that will give full effect to the requirements of this Act; adopt all necessary actuarial tables to be used in the operation of the Fund; and provide for the compilation of such statistical and financial data as may be required for actuarial valuations, periodic surveys, and calculations.

(3) Obtain such information from the participating members and the city as shall be necessary for the proper operation of the Fund.

(4) Consider and pass upon all applications for annuities benefits, refunds and other payments, and authorize the expenditure for such purposes, in accordance with the provisions hereof. The Board shall have authority to promulgate such rules and regulations, not inconsistent with the provisions of this Act, necessary for the proper determination of all claims before it.

(5) Accept any gift, grant, or bequest of any money or property of any kind, for the purposes designated by the grantor if such purposes are specified as providing cash benefits to some or all of the members or annuitants of the Fund; if no such purposes are designated, the same shall be credited to the account representing income from investments.

(6) Have the accounts of the Fund audited as of the end of each fiscal year, by a competent accountant, and submit an annual report to the city as soon as possible following the close of the year, embodying, among other things, a balance sheet showing the financial and actuarial condition of the Fund, a statement of income and expenditures for the year, a statement showing changes in the asset, liability, and reserve accounts during the year, a statement of investments owned by the Fund, detailed statements of investments acquired and disposed of during the year, and such other financial or statistical data as are necessary for a proper interpretation of the condition of the Fund and the results of its operations. The Board shall also cause to be published for distribution among the members a synopsis of such report.

Section 22. (1) The officers of the Board shall consist of a President, Vice-President, and a Secretary. The President shall be the chief executive officer of the Board, shall preside at all meetings and shall appoint all necessary committees. The Vice-President shall serve as President in the absence of the President.

(2) The board shall designate a secretary who may be a member of the Board and shall fix his compensation. The Secretary shall keep a full account of all proceedings of the Board, shall give notice of all meetings and give effect to all resolutions, orders, and directives of the Board. He shall be in charge of the detailed affairs of administration of the Fund; shall keep the record of proceedings of all meetings; shall keep all books, files, records, and accounts of the Fund; shall receive all applications for annuities, benefits and refunds; shall prepare periodic reports relative to the financial operations of the Fund for the information of the Board and its membership; shall compile all statistics pertinent to the operations of the Fund; and shall answer all correspondence received by the Board.

(3) The City Treasurer shall be ex officio treasurer of the Board, and custodian of the Fund. He shall have custody of all cash and securities of the Fund, subject to the authority and directives of the Board, and shall keep such accounts and records as may be prescribed by the Board. These accounts and records shall be subject to inspection of the Board or any member thereof.

(4) The treasurer shall, within ten days after his election, execute a bond to the Board, with good surety, in such penal sum as the Board directs, to be approved by the Board, conditioned upon the faithful performance of the duties of his office, and that he will safely keep and well and truthfully account for all money and properties that come into his hands as treasurer of the Fund, and that upon the expiration of his term of office, he will deliver to his successor all securities, unexpended moneys, and other properties that come into his hands as treasurer of the Fund. The bond will be filed with the secretary of the Board, and suit thereon may be filed in the name of the Board for use of the Board or any person injured by its breach. The premium on said bond may be paid out of the Fund.

(5) The director of law of the city shall serve as legal advisor to the Board on all matters pertaining to the Fund involving suits or actions at law, and on any questions of the interpretation of the provisions hereof.

(6) The Board may employ actuarial assistance from time to time to advise it in matters relating to the technical aspects of operations of the Fund, to assist in the preparation of the periodic financial reports, to determine rates of city contribution and to make periodic analyses of the operation of the Fund. At least once every five years an actuarial survey and investigation shall be made of the

operating experience of the Fund, including a study of the rates mortality, disability, retirement, separations from service, and other essential factors. The actuary shall recommend all mortality and interest tables to be adopted by the Board.

(7) The Board shall establish rules and regulations to implement the provisions of this Act which shall not be inconsistent therewith.

Section 23. The Board may invest the moneys accruing to the Fund, in interest bearing bonds of any county or city of the first, second, or third class in this State, or in any securities in which trustees are permitted to invest trust funds under the laws of this State. Such bonds shall be registered in the name of the Board to the extent possible. The securities acquired by the Board shall be deposited with the treasurer and shall be subject to the order of the Board.

Section 24 (1) An adequate system of accounts and records shall be established and maintained for the Fund that will reflect fully the requirements of the provisions of this Act. This system shall be integrated, to the extent possible with the accounts, records, and procedures of the city to the end that the same shall operate most effectively and at minimum expense, and that duplication of records and accounts may be avoided.

(2) All assets of the Fund shall be credited according to the purposes for which they are held in the following designated reserve accounts:

(a) Members Contribution Reserve. The amounts contributed by the members shall be credited to this reserve, together with regular interest thereon as herein provided. An individual account shall be maintained for each member, to which shall be credited the amounts of his contributions. Upon the granting of a service retirement annuity, disability annuity, or survivors annuity or benefit, the accumulated contributions to the credit of the member concerned shall be transferred from this reserve to the retirement reserve. Refunds and death payments representing member's contributions shall be charged to this reserve.

(b) Employer's Contribution Reserve. The amounts contributed by the city under the provisions hereof, for service retirement annuity, disability retirement annuity, and benefits to survivors covering membership service and prior service, shall be credited to this reserve. Upon the granting of a service retirement annuity, disability retirement annuity, or survivors benefit, an amount representing the excess of the actuarial value of the annuity, or benefit over the accumulated contributions of the member, shall be transferred from this reserve to the retirement reserve.

(c) Retirement Reserve. Upon the granting of a service retirement annuity, disability retirement annuity, or surviviors benefit, the accumulated contributions of the member and an amount representing the excess of the actuarial value of the annuity or benefit over such accumulated contributions, shall be transferred to this reserve from the member's contribution reserve and employer's contribution reserve, respectively. All income from investments, including gains on investment transacations, shall be credited to this reserve. All losses on investments shall be charged to this reserve. All payments on account of any annuity made by the Fund shall be charged to this reserve. Any excess balance in this reserve, as determined by actuarial valuation as of the close of any fiscal year, shall be applied to reduce the city's contributions for membership service for the fiscal years next following the date of such valuation. Any deficiency in this reserve shall be removed by an increase in the amount of city's contributions for future membership service.

Section 25. (1) The officers of the city designated by law to draw warrants on the city treasurer, shall on request in writing by the Board, draw warrants on the city treasurer, payable to the treasurer of the Board, against moneys of the Fund.

(2) Moneys ordered paid from the Fund to any person shall be paid by the treasurer only, upon warrant signed by the President of the Board and countersigned by the Secretary. No warrant shall be drawn except by order of the Board duly entered on the record of proceedings of the Board.

Section 26. (1) It is the intention of this Act that the Fund herein created shall supersede and take the place of the pension Fund established under KRS 95,520 to 95.620 inclusive, which Sections shall thereafter be without force and effect, in so far as applicable to second class cities, but said sections shall remain in full force and effect as relates to third class cities.

(2) The Fund created by this Act shall succeed to and assume as of July 1, 1956, all assets of such pension fund, of every kind and character whatsoever, including cash, securities, receivable, accruals. Such transfer of assets shall be made as soon as possible or practicable following the adoption of this Act. The Fund created by this Act shall assume as of July 1, 1956, all liabilities and obligations annuities, pensions, and benefits previously granted and in force under the provisions of the laws of Kentucky.

(3) The Fund hereby created shall continue to make payment of all such annuities, pensions, and benefits granted by superseded pension funds at the rates previously fixed and under the conditions previously in effect.

Section 27. Each member shall, by virtue of the payment of contributions to the Fund, receive a vested interest in such contributions, and in consideration of such vested interest, shall be conclusively deemed to undertake and agree to pay the same and to have the amounts deducted from his salary as herein provided.

Section 28. The right to a retirement annuity, disability annuity, survivors annuity or benefit, death benefit, or any other benefit under the provision hereof, by whatever name called, or refund, is personal with the recipient thereof, and the assignment, or transfer of such benefit or any part thereof shall be void, except as herein provided. Any such annuity, benefit, or refund shall not answer for debts contracted by the person receiving the same, and it is the intention of this Statute that they shall not be attached or affected by any judicial proceeding.

Section 29. Any service retirement annuity, disability retirement annuity, or any other annuity provided herein shall be payable in equal monthly installments as life annuities, and shall not be increased, decreased, revoked, or repealed, except for error, or except where specifically otherwise provided. The cost of providing death benefits for members in recipt of retirement annuities shall not be construed as a reduction in the life annuity payable to the member. The first payment of an annuity shall be made for the fraction of a month elapsing until the end of the first month; and the last payment shall be made as of the end of the month in which death occurs.

Section 30. It is the intention of this Act that the payment of the required contributions by the city, all allowances, annuities, benefits, and administrative expenses shall be the obligation of the city.

Section 31. Any city covered by this Act, which may subsequently attain a first-class status, shall continue to be covered by this Act.

Section 32. After a determination has been made on any application by the Board, any interested person may, within 20 days after notice of the determination or finding of the Board, apply for a rehearing with respect to any of the matters determined by the Board. The application shall specify the matter of which a rehearing is sought. The Board shall fix the time for the rehearing within 20 days after the same is filed with the Secretary of the Board, in no event to be less than 60 days from the date the application is filed unless otherwise agreed by the parties. Upon the rehearing a complete transcript shall be made of all evidence presented. The cost of such transcript shall be borne equally by the applicant for the rehearing and the Board. Upon rehearing, the Board may change, modify, vacate or affirm its previous order upon said application and enter such an order as it deems necessary.

Section 33. (1) The order or determination of the Board upon the rehearing shall be conclusive and binding, but any interested party may, within 20 days after the rendition of the order of the Board, by petition appeal to the circuit court of the county in which the city of the second class is located for a review of the order of the Board.

(2) The petition shall state fully the grounds upon which a review is sought, assign all errors relied on and be verified by the petitioner who shall furnish a copy to the Board at the time of the filing of the same. Summons shall be issued directing the Board to answer within 20 days and directing the Board to send the original record to the circuit clerk certifying that such record is the entire original record of the rehearing which shall be filed by the clerk of the circuit court and such record shall then become and be considered by the circuit court on the review. The appeal provided for herein shall not be considered effective unless the person making the appeal has paid to the Board one-half of the cost of the transcript of the record of the rehearing within the period provided for making the appeal.

(3) No new nor additonal evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of this Act, and affecting the order, decision or determination appealed from, but the court shall otherwise hear the cause upon the record as certified by the Board and shall dispose of the cause in summary manner, its review begin limited to determining whether or not:

(a) The Board acted without or in excess of its powers.

(b) The order, decision or determination was procured by fraud.

(c) The order, decision or determination of the Board is not in conformity with the provisions of this Act.

(d) If finding of fact are in issue the party seeeking to set aside any order, decision or determination of the Board shall have the burden of proof to show by clear and satisfactory evidence that the order, decision or determination is unreasonable or unlawful. If upon appeal as herein provided the order, decision or determination of the Board is reversed the party perfecting the appeal shall be refunded by the Board his portion of the costs paid for the transcript of the record made on the rehearing.

(4) The Board and each interested party may appear before the circuit court. The court shall enter judgment affirming, modifying or setting aside the order, decision or determination appealed from, or in its discretion remand the cause to the Board for further proceedings in conformity with the direction of the court. The court may, before judgment and upon a sufficient showing of fact, remand the cause to the Board.

Section 34. (1) The judgment of the circuit court shall be subject to appeal to the Court of Appeals. The scope of review by the Court of Appeals shall include all matters subject to review by the circuit court and also errors of law arising in the circuit court and upon appeal made reviewable by the Rules of Procedure.

(2) The procedure as to appeal to the Court of Appeals shall be the same as in civil actions so far as it is applicable to and not in conflict with this Act.

Section 35. Any person who knowingly makes any false statement, or falsifies, or permits to be falsified, any record or records of this Fund, in any attempt to defraud the Fund, is guilty of a misdemeanor, and shall be punishable therefore under the laws of the State of Kentucky, and the Fund shall have the right to recover any payments made under false representations.

Section 36. This Act shall be effective as of July 1, 1956, and shall supersede Sections 95.520 to 95.620 inclusive, which Sections shall thereafter be without force and effect, insofar as applicable to second class cities, but said sections shall remain in full force and effect as relates to third class cities.

Section 37. The provisions of this Act are severable. If any sentence, clause, or section, or part of this Statute, or the application thereof to any particular state of case is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses, or sections or parts of this Statute, it being the legislative intent of this body to ordain and enact each provision, paragraph, sentence and part hereof separately and independently of each other.

Representative Burnley moved that the minority report be adopted in lieu of the majority report.

On roll call, the vote was yeas 13—Billington, Burnley, Carter, Hill, Martin, McCallum, Morgan, Newsom, J. B. Reed, H. V. Reid, Searcy, Sloan, L. B. Wells. Nays 55—Anderson, Bates, Blankenship, Breathitt, Breckinridge, Buchanan, Bush, Casey, Caudill, Conrad, Cottengim, Davidson, Day, Dunsil, Embry, Everett, Farmer, Flanery, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Heyburn, Highland, Hislope, Holsclaw, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Melton, Moore, Mullins, Murphy, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, R. Reid, Stith, Tanner, Walsh, Weintraub, Williamson, Wirsch, Young. The minority report was rejected.

The Committee on Ways and Means reported **HB 66, HB 106, HB 114, HB 123,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 66, AN ACT relating to containers of alcoholic beverages and amending Sections 244.260, 244.310 and 244.340 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 244.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) No wholesaler shall purchase, import or keep upon the licensed premises or sell any distilled spirits or wine in any container except in the original sealed package containing quantities of not less than eight ounces each of distilled spirits or six ounces of wine, and not exceeding two quarts each of wine, as received from the distiller, rectifier, vintner or wholesaler, as the case may be. Such containers shall at all times have affixed to them such labels as may be required by the regulations of the board, together with all necessary Federal revenue and state excise tax stamps.

(2) No wholesaler shall sell any distilled spirits or wine except in cases of containers of uniform size, except that wine may be sold in barrels or kegs. "Case" as used in this section means a carton of containers aggregating not less than two and four-tenths nor more than three wine gallons.

Section 2. Section 244.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) No licensee for sale of distilled spirits and wine by the drink, other than a railroad system licensee, shall keep upon the licensed premises any distilled spirits or wine in any container except in the original package containing quantities of not exceeding two quarts each of distilled spirits or fifty-five gallons each of wine, and containing not less than twenty ounces each, as received from the wholesaler, except mixed drinks which contain a substantial proportion of carbonated water and which are sold by entire bottles containing not less than twelve ounces. If the licensee also holds a retail package license, the containers may contain as little as eight ounces of distilled spirits and six ounces of wine.

(2) Each container shall have affixed to it such labels as may be required by the regulations of the board, together with all required Federal revenue and state excise tax stamps.

Section 3. Section 244.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) No retailer of distilled spirits or wine by the package, other than a railroad system licensee, shall purchase, keep upon the licensed premises or sell any distilled spirits or wine by the package in any container except in the original sealed package containing quanitites of not less than eight ounces of distilled spirits or six ounces of wine and not exceeding two quarts each of distilled spirits or fifty-five gallons each of wine.

(2) Each container shall have affixed to it such labels as may be required by the regulations of the board, together with all required Federal revenue and state excise tax stamps.

(3) No container shall be opened nor its contents consumed on the licensed premises unless the licensee also holds a retail drink license.

HB 106, AN ACT, relating to personnel appointed by the Governor, amending Sections 11.040 and 11.110 of the Kentucky Revised Statutes and repealing Section 11.030 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 11.030 of the Kentucky Revised Statutes is repealed.

Section 2. Section 11.040 of the Kentucky Revised Statutes is amended to read as follows:

The Governor may appoint such persons as he deems necessary for the proper operation of his office to perform such duties as the Governor may require of them. The persons so appointed shall hold office at the pleasure of the Governor. None of the provisions of KRS 64.640 shall be applicable to persons appointed under this Section.

Section 3. Section 11.110 of the Kentucky Revised Statutes is amended to read as follows:

The Governor shall fix the compensation of persons employed by him under the provisions of KRS 11.040 and 11.070. If the services of the person employed are rendered in or to any particular agency, his compensation and expenses may be charged to and paid out of the appropriation of that agency, when certified to the Department of Finance by the head of the agency and approved by the Governor. If there is no appropriation to the agency from which such compensation and expenses can properly be paid, the Governor may direct that they be paid out of the Governor's Emergency Fund.

HB 114, AN ACT relating to public assistance, amending Section 205.290 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 205.290 of the Kentucky Revised Statutes is amended to read as follows:

The amounts recovered for any reason from a recipient or the estate of a recipient of public assistance shall be deposited to a special account in the revolving, trust and agency fund account of the department. This fund shall be administered and disbursed in the same manner and under the same conditions and requirements as it provided by law for other special funds in the State Treasury. The moneys received heretofore and hereafter deposited in the fund may in the discretion of the Commissioner and with the approval of the Governor be used for public assistance administrative cost, grand purposes, or both. Any balance in this fund shall not lapse at any time, but shall be continuously available to the department for the purposes set out in this section. A general statement that all continuing appropriations are repealed shall not be construed as repealing this section.

HB 123, AN ACT relating to operator's license certificate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.500 of the Kentucky Revised Statutes is amended to read as follows:

Every license certificate shall bear a distinguishing number, the name, date of birth, resident address and a brief description of the licensee, the blood type of the licensee, the signature of the licensee, which shall be affixed in the presence of the circuit clerk or his deputy, except as provided in subsection (3) of KRS 186.460, the expiration date of the license, and such other information as the department may reasonably require.

The Committee on Public Utilities reported **HB 71,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 71, by Representative McCallum, AN ACT relating to actions for libel, slander or defamation as pertains to radio or television broadcasting.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) (a) In any action for damages for the publication of a defamatory statement by a visual or sound radio broadcast, the plaintiff shall recover no more than special damages unless he shall allege and prove that he made a sufficient demand for correction and that the radio or television broadcasting station, failed to make conspicuous and timely publication of said correction.

(b) A "sufficient demand for correction" is a demand for correction which is in writing; which is signed by the plaintiff or his duly authorized attorney or agent; which specifies the statement or statements claimed to be false and defamatory, states wherein they are false, and sets forth the true facts; and which is delivered to the defendant prior to the commencement of the action.

(c) A "correction" is either (i) the publication of an acknowledgement that the statement or statements specified as false and defamatory in the plaintiff's demand for correction are erroneous, or

(ii) the publication of the plaintiff's statement of the true facts (as set forth in his demand for correction) or a fair summary thereof, exclusive, of any portions thereof which are defamatory of another, obscene, or otherwise improper for publication. If the demand for correction has specified two or more statements as false and defamatory, the correction may deal with some of such statements pursuant to (i) above and with other of such statements pursuant to (ii) above.

(d) A "conspicuous publication" in a visual or sound radio broadcast is a publication which is broadcast at substantially the same time of day, and with the same sending power, as the statement or statements specified as false and defamatory in the demand for correction. A publication in a particular manner which is agreeable to the plaintiff shall in any event be deemed "conspicuous."

(e) A "timely publication" in a visual or sound radio broadcast is a publication within three business days after the day on which a sufficient demand for correction is received by the defendant. A "business day" is any day other than a Sunday or legal holiday. A publication on a particular day which is agreeable to the plaintiff shall in any event be deemed "timely."

(f) "Special damages" are pecuniary damages which the plaintiff alleges and proves that he has suffered in respect to his property, business, trade, profession, or occupation (including such amounts of money as the plaintiff alleges and proves he has expended as a proximate result of the alleged defamation), and no other.

(2) If in any action for damages for the publication of a defamatory statement on a visual or sound radio broadcast, the defendant proves that said defamatory statement has been uttered by one other than the owner, licensee, or operator of the broadcasting station or one acting as the agent or employe of said owner, licensee or operator, the action shall be dismissed unless the plaintiff shall allege and prove that such owner, licensee, operator, agent or employe has failed to exercise due care to prevent the publication of said statement in said broadcast; provided, however that bona fide compliance with any Federal law or the regulation of any Federal regulatory agency shall be contrued as the exercise of due care; and provided, further, that in no event shall the owner, operator or licensee of a radio or television broadcasting station, or one acting as the agent or employe of such owner, operator or licensee, be held liable for the utterance of a defamatory statement in a visual or sound radio broadcast over the facilities of such station by any person speaking as a legally qualified candidate for public office, or on behalf of any such candidate.

The Committee on Municipalities reported **HB 119, HB 126, HB 72,** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 119, AN ACT relating to Police Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 26.650 of the Kentucky Revised Statutes is amended to read as follows:

City legislative bodies of cities of the second class may, by proper legislation, provide for pensions for police court judges, who after July 1, 1954, have become sixty years of age and have served as a regular police judge, including service prior to July 1, 1954, for a period of twenty years; or who after July 1, 1954 have become fifty-five years of age and have served as regular police judge, including service prior to July 1, 1954 for a period of twenty-four years.

HB 126, AN ACT relating to city police and fire departments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 95.550 of the Kentucky Revised Statutes is amended to read as follows:

(1) The pensions or benefits paid for disability or death from the policemen's and firemen's pension fund in cities of the third class shall be as follows:

(a) If any member of the police or fire department becomes temporarily totally disabled, physically or mentally, while in the performance of duty and by reason of service in the department, the board of trustees of the pension fund shall order paid to him monthly, during his disability but not longer than one year, a sum of not more than sixty dollars per month, the amount to be determined by the board. This provision shall not apply if a salary is paid during the same period. Provided, however, that the provisions of this paragraph shall not apply unless the disabled fireman or policeman has served from one to ten years consecutively in his department, such period of service to be fixed by the board of trustees.

(b) If any member of the police or fire department becomes permanently disabled, physically or mentally, while in the performance of duty and by reason of service in the department, so as to render necessary his retirement from service in the department, the board of trustees shall retire him from service and order paid to him monthly fifty percent of his monthly salary at the time of his retirement. Provided, however, that the provisions of this paragraph shall not apply unless the disabled fireman or policeman has served from one to ten years consecutively in his department, such period of service to be fixed by the board.

(c) If any member of the police or fire department is killed or dies as the result of an injury received in the performance of duty, or dies of any disease contracted by reason of his occupation, or dies while in the service from any cause as a result of his service in the department, or dies in service or while on the retired list from any cause after fifteen consecutive years of service in the department, and leaves a widow or a child under fourteen years of age the board of trustees shall order a pension paid to the widow or child. There shall be paid monthly to the widow, while unmarried, a pension of thirty dollars, and for each child until it reaches the age of fourteen years, six dollars. If the deceased member was unmarried and childless, a pension shall be paid to his dependent father and mother of thirty dollars per month. If one parent is dead, the other shall receive the entire thirty dollars, and if both are living, each shall receive fifteen dollars.

(2) No person shall receive a pension from the policemen's and firemen's pension fund except as provided in this section.

Section 2. Section 95.580 of the Kentucky Revised Statutes is amended to read as follows:

(1) The policemen's and firemen's pension fund in cities of the third class shall consist of:

(a) The proceeds of an annual tax, which may be levied by the city legislative body, of not less than one cent nor more than four cents on each one hundred dollars in value of taxable property.

(b) All rewards, fees, gifts and emoluments paid or given on account of extraordinary service of any member of the police or fire department.

(c) Assessments, which the board of trustees of the pension fund may make, upon each member of the police and fire departments, of not less than one percent nor more than four percent of his salary, to be withheld from the monthly salary and paid by the city treasurer into the pension fund.

(2) Both the principal and interest of the pension fund shall be applicable to the payment of pensions in cities of the third class.

HB 72, AN ACT relating to recreational facilities in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All powers and duties heretofore granted to or imposed upon the Board of Park Commissioners (White) or Board of Park Commissioners (Colored) in any city of the second class shall be vested in the city.

Section 2. The title to all park property formerly held by either the Board of Park Commissioners (White) or Board of Park Commissioners (Colored) in any city of the second class is hereby transferred to and vested in the city subject, however, to any existing leases in effect as of the effective date of this Act.

Section 3. The term "park property" as used in this Act shall be liberally construed, and shall include all parks, squares and areas of land within the management of either the Board of Park Commissioners (White) or Board of Park Commissioners (Colored); all buildings, structures, improvements, seats, benches, fountains, trees, plants, herbages, flowers and other things thereon and the enclosures of same; all shade trees on streets or thoroughfares, resting places, watering stations, playgrounds necessary and incidental to such public parks and property, parade grounds and the like; all connecting parkways and roads or drives between parks, all avenues, roads, ways, drives, walks, with all trees, shrubbery, vines, flowers and ornaments of any description; all birds, animals or curiosities or objects of interest or instruction placed in or on any such enclosures, ways, parkways, roads or places; all maintenance and construction equipment, recreation supplies, and facilities, and any interest or right which the Board of Park Commissioners (White) or the Board of Park Commissioners (Colored) may have been able to exercise.

Section 4. The legislative body of any city of the second class shall by ordinance create an administrative department such as, in the judgment of that body, is reasonably required for the efficient, orderly and economical administration of the public parks and recreational activities of such city, except that any city of the second class operating under the city manager form of government shall create an administrative department for the operation of parks, playgrounds and recreational facilities as is provided by KRS 89.580.

Section 5. All permanent employes of the Board of Park Commissioners (White) and the Board of Park Commissioners (Colored) of cities of the second class, except otherwise provided in this Act, shall be transferred to and become employes of the city, provided, however, that the status of said employes shall be that of a probationary employe and entitled only to such rights of permanent employment as the legislative body of any such city may prescribe by ordinance. The term "permanent employe", as used herein, is defined as an employe who has been continuously and regularly employed by either of the Boards for a period of two years immediately prior to the effective date of this Act. The term "probationary employe", as used herein, is defined as being in the same status of other employes of the affected city not governed by existing ordinances relating to Civil Service or pension benefits.

Section 6. There shall be established in each city of the second class a board to be known as the "Board of Park Commissioners". The Board shall consist of not less than five nor more than seven members as determined by the legislative body of the city and shall be appointed by the mayor with the approval of a majority of the legislative body for terms of four years, except that the members first appointed shall be so appointed that the terms of not more than two members shall expire in the same year. Any member of the board may be removed by a majority vote of the members of the city legislative body.

Section 7. The Board of Park Commissioners shall be an advisory board only, it being the intention of this Act to vest all powers relating to parks, playgrounds and recreation in the city, subject to the provisions of KRS 97.020. The Board of Park Commissioners, after their appointment, shall convene and elect a president of the board and a secretary. It shall establish rules, not inconsistent with the provisions of this Act, and shall fix the time and place for the holding of its meetings. The board shall advise the legislative body of the city on appropriate park and recreational programs and projects, and shall promote the full use of all park facilities in the interest of the public.

Section 8. The legislative body of the city may from time to time provide by ordinance for special park police.

Section 9. The Board of Park Commissioners (White) and the Board of Park Commissioners (Colored) in cities of the second class shall cease to exist upon the effective date of this Act.

Section 10. Nothing in this Act shall be construed to conflict with the provisions of KRS 97.020.

Section 11. Sections 97.400 through 97.520 of the Kentucky Revised Statutes are hereby repealed.

The Committee on Conservation reported **HB 93**, **HB 32**, with the expression of opinion that all should pass. Read at length for first time and ordered placed in the Calendar.

HB 93, AN ACT relating to gas pipe lines.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 278.485 of the Kentucky Revised Statutes is amended to read as follows:

Every gas pipe line company in this Commonwealth obtaining gas from wells located within this Commonwealth, shall, upon the request of persons living within one-half air miles of said company's gas well or pipe line, furnish service to such persons at rates determined by the Public Service Commission; provided, that nothing contained herein shall be construed as requiring any gas pipe line company to serve any such persons from lines established on the discharge side of any compressor station. It is further provided that the applicant shall be required to pay the installation cost necessary for the service of gas to the applicant.

HB 32, AN ACT relating to public property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.750 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who picks, pulls, digs, tears up, cuts, breaks, burns or otherwise damages any tree, shrub, flower, vine, bush or turf on the right of way of any state highway or county road or upon any land set aside, dedicated or maintained by this state as a public park or as a refuge or sanctuary for wild animals, birds or fish, or deposits, throws or leaves any trash, debris, or litter upon any such public highway or public land, without having first obtained the permission in writing of the engineer having charge of the maintenance of the highway, or the superintendent or custodian of the park, refuge or sanctuary shall be fined not less than one dollar nor more than one hundred dollars.

(2) The Department of Highway shall cause signs to be prepared and erected at appropriate places advising the public of the provisions of subsection (1) as it relates to right of ways of state highways.

The Committee reported **HB 97** with the expression of opinion that it should pass with amendment.

HB 97, AN ACT relating to unlawful cutting of timber.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Any person who unlawfully enters upon and cuts or saws down, or causes to be cut or sawed down, timber growing upon the land of another and without color of title in himself to the timber, or to the land upon which the timber was growing, shall be liable to the rightful owner of the timber in punitive damages in an amount which shall not exceed fifty percent of the value of the timber cut and shall not be less than twenty-five percent of the value of such timber.

(2) This Act shall not be construed as repealing any of the provisions of Section 433.260 of the Kentucky Revised Statutes and any penalties provided by this Act shall be considered as additional thereto.

Representative R. Reid, Sr. moved that **HB 97** be amended as follows: "Amend printed copy of HB 97, on page 1, section 1, (1), line 7, change the spelling of the word 'punative' to 'punitive'." Agreed.

HB 97 with Amendment was read at length for the first time and ordered placed in the Calendar.

Report of Committees

The Committee on Conservation reported **HB 43**, with the expression of opinion that the same should not pass.

The Committee on Education reported **HB 108** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 108: AN ACT relating to the limitation of salaries payable to officers and employees of the state institutions of higher education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.645 of the Kentucky Revised Statutes, relating to the limitation of salaries payable to officers and employees of the state institutions of higher education, is hereby repealed.

Orders of the Day

HB 60 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed.

Representative Morgan moved the Previous Question on **HB 60**. Agreed.

HB 60 ordered read a third time.

On roll call, the vote was yeas 89—Anderson, Bates, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland ,Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Ried, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 1—Caudill. **HB 60** was passed.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 61 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed.

Representative Murphy moved to amend the title to **HB 61** as follows: "Amend printed copy of 61, Title, Amend Title—change word 'elternative' to 'alternative.'" Agreed.

Representative Morgan moved the Previous Question. Agreed.

HB 61 ordered read a third time.

On roll call, the vote was yeas 92—Anderson, Bates, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 61** was passed.

Rules suspended on motion of Representative Morgan for action on **SR 23.** Agreed.

SR 23, A CONCURRENT RESOLUTION relating to adjournment of the General Assembly.

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That when the Senate and the House of Representatives adjourn on Wednesday, January 18, 1956, they adjourn to meet again on Monday, January 23, 1956, at 8:00 P. M.

Representative Morgan moved that House not concur in **SR 23.** Agreed.

HB 69 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed.

Representative Morgan moved the Previous Question. Agreed.

HB 69 ordered read at length the third time.

On roll call, the vote was yeas 91—Anderson, Bates, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 69** was passed.

Representative Burnley moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

The Speaker announced that the Insurance Investigation Committee would meet immediately in Governor's office with similar Committee from Senate.

HB 18 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed.

Representative Burnley moved to amend **HB 18** as follows: "Amend printed copy of House Bill No. 18 on page 1, section 1, line 4 and 5 by striking out the words 'not to exceed eight dollars' and substituting in lieu thereof the words 'at not less than five dollars nor more than ten dollars.'" Representative Burnley moved that the amendment be adopted. Agreed.

Representative Burnley then moved that the bill be voted on as amended. Agreed.

Representative Morgan moved the Previous Question. Agreed. Ordered read at length for the third time.

On roll call, the vote was yeas 81—Anderson, Bates, Baumgardner, Beshear, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Conrad, Cornett, Davidson, Day, Dunsil, Embry, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Ried, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Walsh, Wathen, A. W. Wells, L. B. Wells, Wilson, Young. Nays 0. **HB 18** was passed.

Reference of Bills

Municipalities	**HB 126, HB 128, HB 133, HB 136**
Banking and Insurance	**HB 127**
Ways and Means	**HB 129, HB 137, HB 139, HR 12**
State and County Govt.	**HB 130, HB 131, HB 142**
Transportation and Highways	**HB 132**
Judiciary	**HB 134, HB 140, HB 141**
Agriculture and State Fair	**HB 135**
Public Utilities	**HB 138**
Suffrage, Election and Const. Amendments	**HB 143**

Introduction of Bills

HB 144, by Representative Newsom, AN ACT relating to public utilities.

HB 145, by Representative Billington, AN ACT relating to the marketing of eggs.

HB 146, by Representative Blankenship, AN ACT relating to traffic regulations.

HB 147, by Representative C. S. Howard, AN ACT relating to school busses.

HB 148, by Representative Weintraub, AN ACT relating to city managers of cities of the second, third and fourth classes.

HB 149, by Representative C. S. Howard, AN ACT creating a state college at Elizabethtown, Kentucky.

HB 150, by Representative Newsom, AN ACT relating to taxation.

HB 151, by Representative Caudill, AN ACT relating to forestry.

HB 152, by Representative Stith, AN ACT relating to medical practice.

HB 153, by Representatives Pollitte, Saylor, AN ACT changing the classification of the City of Loyall in Harlan County.

HB 154, by Representative Day, AN ACT relating to annexation or reduction of territory by sixth-class cities.

HB 155, by Representative Williamson, AN ACT to amend Chapter 317 of the Kentucky Revised Statutes relating to barbers and beauty specialists.

HB 156, by Representative Thompson, AN ACT relating to establishment of Boonesboro State Park.

HB 157, by Representative Ockerman, AN ACT relating to assessment of corner lot for public improvements.

HB 158, by Representative Ockerman, AN ACT relating to the sale of agricultural seeds or mixtures of agricultural seeds and amending Sections 250.030, 250.050 and 250.060 of the Kentucky Revised Statutes.

HB 159, by Representative Cottengim, AN ACT relating to judge of police court in cities of the second class.

HB 160, by Representative Grigsby, AN ACT proposing an amendment to the Constitution of Kentucky relating to the issuance and sale of state bonds to provide for the payment of a bonus to veterans of World War I, World War II and the Korean War.

HB 161, by Representatives, Harris, Buchanan, AN ACT relating to par value of insurance company stocks.

HB 162, by Representatives Buchanan, Harris, AN ACT relating to regulation of investments of insurance companies.

HB 163, by Representative Caudill, AN ACT proposing to amend the Constitution of the Comomnwealth of Kentucky relating to courts, amending Section 135 thereof.

HB 164, by Representatives Walsh, Hilton, Bush, Saylor, Cottengim, Rayburn, Qualls, Anderson, Isler, AN ACT relating to railroad passenger service and amending section 276.480 of the Kentucky Revised Statutes.

HB 165, by Representative Ray, AN ACT permitting the creation of and providing for a system of pensions and benefits for retired and disabled policemen.

HB 166, by Representative Lambert, AN ACT increasing the allowance for pauper idiots.

HB 167, by Representative Lambert, AN ACT relating to occupational license taxes.

HB 168, by Representative Hinkle, AN ACT relating to weights and measures and amending Section 363.240 of the Kentucky Revised Statutes.

HB 169, by Representatives Day, Blankenship, Burnley, Searcy, Carter, Davidson, Murphy, Melton, Bush, Walsh, Harris, Bridgers, Tanner, Embry, Ockerman, Thompson, A. W. Wells, Greene, Everett, Mackey, Cottengim, Newsom, J. B. Reed, Stith, Isler, Hilton, Johnson, H. V. Reid, Billington, Young, Ray, Hislope, Bates, Saylor, Grundy, McCallum, Breathitt, Thomas, Blue, Flanery, Reynolds, Wilson, Rayburn, Anderson, V. Reed, Mullins, McFadden, Nunn, Moore, Hill, Martin, R. Reid, Freeman, Ratcliffe, Weintraub, Breckinridge, AN ACT relating to public printing, and declaring an emergency.

Introduction of Resolutions

HR 13, by Representative Wathen, A JOINT RESOLUTION relating to the control of Johnson grass and an appropriation of money for that purpose.

HR 14, by Representative Day, A JOINT RESOLUTION directing the Legislative Research Commission to conduct a study on the points and demerits system of handling traffic violations.

HR 15, by Representative Hislope, A HOUSE RESOLUTION calling for fair employment practices in the state government.

HR 16, by Representative Everett, A JOINT RESOLUTION making an appropriation to the Legislative Research Commission.

Reconsideration

Representative Morgan moved that the vote by which **SR 23** was rejected be reconsidered. Agreed. Representative Morgan moved that House concur in **SR 23.** Motion lost.

Representative Morgan moved to adjourn until 11 A.M., January 18. Agreed.

WEDNESDAY, JANUARY 18, 1956

FOURTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Caleb McFadden, Laurel County House Member.

Roll Call showed all present except Anderson, Buchanan, Casey, Greene, D. W. Howard, Lambert, Miller, Nunnelley, Tinsley, Weintraub.

Representative Isler moved that reading of January 17 Journal be dispensed with and that same be approved. Agreed.

Representative Morgan moved that when House adjourns today, it do so until 11 A. M., Friday, January 20. Agreed.

Representative Morgan moved further that when House adjourns Friday, January 20, it do so until 8 P. M., Monday, January 23. Agreed.

Report of Committees

The Committee on Transportation and Highways reported **HB 49** with the expression of opinion that it should pass with amendment.

Representative Freeman moved that **HB 49** be amended as follows: "Amend printed copy of House Bill 49 on page 1, section 1, line 1, by adding before the word 'the,' the following: 'Section 1.' " Agreed.

HB 49 with amendment was read at length for the first time and ordered placed in the Calendar.

HB 49, AN ACT relating to the transportation of inflammable liquids or explosives.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The operator of any motor vehicle used in the transportation of inflammable liquids or explosives shall stop such motor vehicle before crossing at grade the main track of any railroad or interurban electric railway, except where the crossing is a guarded crossing protected by gates or a flag controlled crossing or operated by an employe of the railroad or interurban company. The stop shall be made at not less than ten feet nor more than thirty feet from the nearest track to be crossed. After making the stop, the operator shall look carefully in each direction for approaching cars or trains, and shall not start his vehicle until he has ascertained that no cars or trains are approaching in either direction.

The Committee on Transportation and Highways reported **HB 76** with the expression of opinion that the same should pass. The Committee further reported **HB 21** with the expression of opinion that the same should pass, with the Committee Substitute attached thereto. Agreed.

HB 76 and **HB 21** with Committee Substitute attached read at length for the first time and ordered placed in the Calendar.

Committee Substitute for **HB 76**, AN ACT relating to traffic regulations and equipment of vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All motor trucks and semi-trailer trucks that do not have fenders shall be equipped with mud guards of such design and material as will efficiently decrease the amount of mud and spray thrown in the air by the tires of such vehicles.

Section 2. Any person who violates the provisions of Section 1 of this Act shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

Committee substitute for **HB 21**, AN ACT relating to railroad company right of ways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All railroad companies shall at all times keep their right of ways free of the species of grass, sorghum halepense, commonly known as Johnson grass. Whenever such grass is found growing upon the right of way of any railroad company, such company shall take immediate steps to eradicate such grass by the use of chemicals or other effective means. Any landowner whose land is damaged by the spread of Johnson grass from any railroad company right of way to his land or lands shall have a cause of action against the railroad company.

Section 2. The railroad company shall notify the owner or tenant, whichever may be operating the farm adjacent to the right of way, of the approximate date that the eradication work is to be performed. Notice shall be given to the owner or tenant so as to provide at least three days in which to allow the owner or tenant sufficient time to remove his livestock from the fields adjacent to the right of way on which the eradication work is to be performed. The company shall advise the owner or tenant of land adjacent to the right of way treated of the nature of any chemicals used and of the effect such chemicals or process used will have on any livestock. The railroad company shall further advise said owner or tenant of the length of time required for the chemical action or reaction to dissipate to the point where there will be no harmful effects on any livestock.

The Committee on Banking and Insurance reported **HB 8** with the expression of opinion that the same should pass, with the Committee Substitute attached thereto. Agreed.

HB 8 with Committee Substitute read at length for the first time and ordered placed in the Calendar.

Committee substitute for **HB 8**, AN ACT relating to real estate brokers and salesmen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 324.020 of the Kentucky Revised Statutes is amended to read as follows:

On or after July 1, 1956, it shall be unlawful for any person, copartnership, association or corporation to act as a real estate broker or real estate salesman or to advertise or assume to act as such real estate broker or real estate salesman within the Commonwealth of Kentucky, without a license issued by the Kentucky Real Estate Commission.

Section 2. Section 324.045 of the Kentucky Revised Statutes is amended to read as follows:

(1) Licenses shall be granted only to persons who are trustworthy and competent to transact the business of a real estate broker or salesman in such manner as to safeguard the interests of the public, and only after satisfactory proof of such qualifications has been presented to the Commission.

(2) In addition to proof of honesty, truthfulness and good reputation of any applicant for a license, each applicant must pass a written examination conducted by said commission, or its authorized representative, which examination shall be of scope and wording sufficient in the judgment of the commission to establish the competency and trustworthiness of the applicant to act as a real estate broker or salesman in such manner as to protect the interests of the public. Provided, however, no examination shall be required for the renewal of any present or future license unless such license has been revoked, suspended or is allowed to expire without renewal. The commission shall hold examinations at such times and places as it may determine, and an examination fee of twenty-five dollars shall be collected from each applicant to defray the expenses of holding such examinations.

(3) The provisions of subsection (2) requiring applicants to pass a written examination to obtain license shall not apply to real estate brokers or salesman furnishing astisfactory proof to the commission that they were engaged in the business or occupation of a real estate broker or salesman on January 1, 1956, within the Commonwealth of Kentucky, provided, however, that such real estate brokers and salesmen shall, on or before July 1, 1956, make application to the Kentucky Real Estate Commission for a real estate broker or salesman's

license in accordance with provisions of KRS 324.040 and provided further that each application shall be accompanied by a bond and license fee in accordance with the requirements of KRS 324.060 and 324.070.

Section 3. This Act shall become effective July 1, 1956.

The Committee on Judiciary reported **HB 110**, **HB 94**, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 110, AN ACT relating to the appointment of counsel to represent paupers and the payment of same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statute is hereby created to read as follows:

When an indictment shall be returned, by the Grand Jury of any county, against a pauper and the accused has been arrested or voluntarily surrendered himself he must take an oath before the circuit judge that he is a pauper and unable to bear the expense of employing counsel to defend him. The judge shall thereupon appoint counsel, not exceeding one person, not interested in the prosecution of the case to defend him.

Counsel appointed by the circuit judge to defend a pauper shall be paid for his services by the Commonwealth of Kentucky out of the State Treasury as follows:

(1) In cases where maximum punishment on finding of guilty may be death or imprisonment in the penitentiary for life an amount not exceeding $300.00

(2) In cases where maximum punishment on finding of guilty may be more than five years but less than life imprisonment in the penitentiary, an amount not exceeding $200.00

(3) In all other cases such amount as the court approves not exceeding $100.00

In addition to the amounts set out hereinbefore the court may allow an amount not to exceed $25.00 as reimbursement for expenses incurred in the preparation of the defense upon verification of the appointed counsel.

HB 94, AN ACT relating to the custody, support and treatment of incompetents.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 203.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) A person having the care, custody or charge of an idiot may by filing with the Department of Finance a certified copy of the inquest and the order of the court adjudging an idiot to be a pauper, have an allowance to a pauper idiot of not more than three hundred dollars per annum to be paid as follows:

(a) One-half of the allowance shall be certified by the court holding the inquest to the Department of Finance for payment out of the State Treasury;

(b) One-half of the allowance shall be allowed and certified for payment by the court holding the inquest to the fiscal court of the county in which the inquest is held.

(2) If the idiot dies or ceases to be a pauper, a proportionate part of the allowance from the anniversary date of the allowance to the day of his death or his ceasing to be a pauper, may be paid.

The Committee on Executive and Legislative Affairs reported **HB 70**, with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 70, AN ACT relating to the Old Governor's Mansion in Frankfort, repealing KRS 148.210.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 148.210 of the Kentucky Revised Statutes is hereby repealed.

Section 2. WHEREAS, it is deemed desirable in the interest of preserving this historic mansion to return it to the control of the agency vested with the general control of state property, so that it may be further repaired and placed to a good use, an emergency is hereby declared to exist, and this Act shall take effect upon its passage and approval by the Governor.

The Committee on Revenue and Taxation reported **HB 45**, with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 45, AN ACT relating to pari mutuel and other similar systems of betting, including the taxation thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.510 of the Kentucky Revised Statutes is amended to read as follows:

"An excise tax is imposed on every person, corporation or association which operates a running or trotting horse race track at which betting is conducted through a pari mutuel or other similar system. The tax shall be an amount equal to four percent of the first eighteen million dollars wagered during the year, and six percent of all money in excess of eighteen million dollars wagered during the year. A year as used herein shall begin at 12:01 A.M. July 1 and end at 12 midnight June 30."

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

"The tax imposed by Section 1 of this Act shall not apply to an association or corporation which operates a running or trotting horse race track which is not authorized by its charter to pay dividends (currently or in liqudiation) to any of its stockholders, or to make any distribution of its profits to its members, and all the profits of such association or corporation, in excess of operating expenses and amounts expended or reasonably reserved for the repair, maintenance or improvement of the track, grounds and facilities at which so operates, are used solely for, or are paid to any other association, corporation, institution, agency, foundation, society or other organizations in the United States, to be used by it or another such organization solely for scientific, educational or charitable purposes in such a manner that no part of such profits inure to the benefit of any stockholder or member of such organization nor to the benefit of any stockholder or member of the corporation or association which operates the track. But no association or corporation shall be entitled to the exemption granted in this section if any officer, employe, member or shareholder thereof shall receive or be entitled to receive, directly or indirectly, any pecuniary profit therefrom except reasonable compensation for necessary services actually rendered in the ordinary conduct of its business."

WHEREAS, organizations and institutions which contribute their earnings to educational and charitable institutions and uses are of great benefit to the Commonwealth; and

WHEREAS, an Act of the General Assembly of 1954 removed the exemption heretofore applicable to certain such institutions; and,

WHEREAS, there are many needy and deserving institutions and organizations in the Commonwealth which have been adversely affected by the removal of the aforesaid exemption.

Section 3. An emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

Rules suspended on motion of Representative Davidson for introduction of **HR A**, by Representative Morgan, A HOUSE RESOLUTION congratulating the Boys' Clubs of America and the affiliate clubs in Kentucky on its Golden Anniversary. Adopted.

Calendar

HB 32, HB 44, HB 66, HB 71, HB 72, HB 93, HB 97, HB 106, HB 108, HB 114, HB 119, HB 123, HB 126 were taken from the Calendar and ordered read at length for the second time. Ordered placed in Orders of the Day.

Orders of the Day

HB 75 taken from Orders of the Day. Representative Morgan moved to amend and place on passage. Agreed. Representative Harris moved to amend **HB 75** as follows: "Amend printed copy of HB 75, on page 2, section 3, line 11, beginning with the word 'and' in line 11 and including line 12 should be stricken from the bill." Agreed.

Representative Morgan moved the Previous Question on **HB 75.**

On roll call, the vote was yeas 75—Bates, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Griffin, Grigsby, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hinkle, Hislope, Holsclaw, Isler, Jennings, Johnson, Kubale, Mackey, Martin, McCallum, McKinney, Melton, Moore, Morgan, Mullins, Newsom, Nunn, Ockerman, Parris, Qualls, Ratcliffe, Ray, Ralburn, J. B. Reed, H. V. Reid, Reynolds, Searcy, Sloan, Stith, Tanner, Thompson, Walsh, Wathen, A. W. Wells, Williamson, Wilson, Young. Nays 1—Peace. **HB 75** was passed.

The Speaker announced that, without objection, the vote by which said bill was passed would be reconsidered and said motion laid on the table.

HB 52 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed. Said Bill read a third time and Representative Morgan moved the Previous Question on the Bill.

On roll call, the vote was yeas 81—Bates, Baumgardner, Beshear, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery Freeman, Gay, Griffin, Grigsby, Gullette, Hadden, Hahn, Harris, Heskamp, Heyburn, Highland, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Rei, R. Reid, Sr., Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 52** was passed.

Representative Morgan moved that the vote by which said Bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 53 taken from Orders of the Day. On motion of Representative Farmer **HB 53** was laid on Clerk's desk.

HB 54 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed. Ordered read at length the third time. Representative Murphy moved the Previous Question on the Bill.

On roll call, the vote was yeas 77—Bates, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Farmer, Flanery, Freeman, Gay, Griffin, Grigsby, Grundy, Gullette, Hahn, Harris, Hawkins, Heyburn Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, A. W. Wells, Williamson, Wilson, Young. Nays 0. **HB 54** was passed.

Representative Morgan moved that the vote by which said Bill was passed be reconsidered and said motion be laid on the table. Agreed.

Reference of Bills

Ways and Means: **HB 144, HB 145, HB 150, HB 155, HB 156, HB 161, HB 162, HB 169, HR 14, HR 15, HR 16.**

Transportation and Highways: **HB 146, HB 147.**

Municipalities: **HB 148, HB 153, HB 154, HB 157, HB 159.**

Education: **HB 149.**

Conservation: **HB 151.**

Health and Welfare: **HB 152.**

Agriculture and State Fair: **HB 158, HB 168, HR 13.**

Suffrage, Election and Const. **HB 160.**

Judiciary: **HB 163, HB 166.**

Public Utilities: **HB 164.**

State and County Government: **HB 165, HB 167.**

Introduction of Bills and Resolutions

HB 170, by Representative Hahn, AN ACT relating to the establishment of signals at railroad crossings.

HB 171, by Representative Freeman, AN ACT changing the classification of the city of Springfield in Washington County.

HB 172, by Representatives A. W. Wells, Stith, Hadden, Cornett, C. S. Howard, Qualls, R. Reid, AN ACT relating to the Board of Agriculture.

HB 173, by Representatives A. W. Wells, Stith, Hadden, Cornett, C. S. Howard, Qualls, R. Reid, AN ACT relating to the Agricultural and Industrial Development Board.

HB 174, by Representative McCallum, AN ACT relating to rates and services of public utilities.

HB 175, by Representative Williamson, AN ACT relating to hospitals, nursing homes and clinics.

HB 176, by Representative Williamson, AN ACT relating to the rights of employees.

HB 177, by Representative Cornett, AN ACT relating to a veterans bonus and providing a sales tax on alcoholic beverages for payment thereof.

HB 178, by Representatives Walsh, Moore, Cottengim, Isler, Bush, AN ACT relating to the payment of wages to employes; amending Section 337.020 of the Kentucky Revised Statutes.

HB 179, by Representatives Harris, Hinkle, AN ACT relating to Social Security for public employes.

HB 180, by Representatives Cottengim, Day, Isler, AN ACT relating to revenue and taxation in cities of the second to sixth class.

HB 181, by Representatives, Hinkle, Thomas, Parrish, Conrad, AN ACT relating to gasoline tax.

HB 182, by Representative Davidson, AN ACT relating to public assistance.

HR 17, by Representative Holsclaw, A JOINT RESOLUTION authorizing K. V. Clark to sue the Department of Welfare, Kentucky State Reformatory and the Commonwealth of Kentucky or either of them.

HR 18, by Representative Wilson, A CONCURRENT RESOLUTION, memorializing Congress to restore tobacco acreage allotments to their 1955 level.

Representative Morgan moved to adjourn until 11 A.M., Friday, January 20. Agreed.

FRIDAY, JANUARY 20, 1956

FIFTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Pro Tem Fred Beshear.

There was no Invocation.

Roll call showed seven present, as follows: Beshear, Billington, Breckinridge, Conrad, Johnson, Moore, Wilson.

Representative Johnson moved to adjourn.

Representative Breckinridge spoke on point of personal privilege.

Representative Johnson withdrew motion to adjourn.

Representative Breckinridge moved to adjourn, seconded by Representative Wilson, until 1 P.M., Saturday, January 21, 1956. Agreed.

SATURDAY, JANUARY 21, 1956

SIXTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Pro Tem Fred Beshear.

Roll call showed seven present, as follows: Beshear, Breckinridge, Conrad, Johnson, Moore, Ockerman, Ratcliffe.

Lacking a quorum, Representative Ockerman moved to adjourn until 8 P.M., Monday, January 23, 1956. Representative Johnson seconded the motion. Agreed.

MONDAY, JANUARY 23, 1956

SEVENTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Carter Roberts, Church of the Nazarene, Frankfort.

Roll Call showed all present except Representatives Barnum, Gay, Hill, Nunnelley, Thomas, who were granted leave of absence on motion of Representative Morgan.

Representative Isler moved that reading of January 18, January 20, and January 21 Journals be dispensed with and that same be approved. Agreed.

Representative Freeman moved that **HB 21** be recommitted. Agreed.

Representative Beshear moved that Members absent on January 20 and January 21 be granted leave of absence. Agreed.

Introduction of Resolutions

HR 21, by Representative Breckinridge: A RESOLUTION relating to the special joint committee on welfare investigation.

WHEREAS, it has come to the attention of the House of Representatives that the Senate has authorized those of its members of the Joint Committee on Welfare Investigation to absent themselves from the regular business of the Senate, for the purpose of conducting said investigation during the session of the General Assembly; and

WHEREAS, the members of the House on said committee cannot absent themselves from the regular business of the House and its committees on which they serve, and at the same time properly represent and discharge their obligation to their constituents;

NOW, THEREFORE,

It it resolved that the House of Representatives of the Commonwealth of Kentucky:

(1) Express its non-concurrence in the action of the Senate in authorizing Senate members of the Joint Committee on Welfare Investigation to conduct the business of said committee during those hours when the General Assembly is engaged in the conduct of its regular business; and

(2) Request the Senate to instruct its members on said committee to the effect that the House of Representatives members hold themselves ready and willing to conduct the business of said committee at any and all reasonable times when the House is not engaged in the conduct of its regular business.

Representative Breckinridge, seconded by Representative Day, moved to adopt **HR 21.** Agreed

Calendar

HB 8, HB 45, HB 49, HB 70, HB 76, HB 94, HB 110 were taken from the Calendar and ordered read at length for the second time. Ordered placed in Orders of the Day.

Orders of the Day

HB 55 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed. Read at length a third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 88—Anderson, Bates, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridges, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. The bill was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Senate Message

Senate message read by Clerk announcing the passage of **HB 2, SB 15, SB 30, SB 34, SB 12, SR 12.**

Orders of the Day

HB 53 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed.

Representative Farmer moved to amend **HB 53** as follows: "Amend printed copy of House Bill No. 53 on page 1, section 1, line 1, by adding before the word 'whenever' the following: 'In cities of the first class'." Adopted.

HB 53, with amendments, read at length a third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 85—Anderson, Bates, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden Hahn, Harris, Hawkins, Heyburn, Highland, Hilton, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, Weintraub, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays 1—L. B. Wells. The bill was passed and the title agreed to.

HB 57 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 83—Anderson, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Everett, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, Melton, Moore, Morgan, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, Walsh, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 0. The bill was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Enrollment Committee Report

Committee on Enrollment reported that **HB 1, HB 2** had been examined and found correctly enrolled. Said bill read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate. **HB 1, HB 2** delivered, signed in open session by the President. Ordered delivered to the Governor.

Orders of the Day

HB 32 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed. Read at length a third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 84—Anderson, Bates, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 1—Lambert. The bill was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 44 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed. Read at length a third time.

Representative Burnley moved to lay bill on Clerk's desk. Motion lost.

Representative Ockerman moved the Previous Question.

On roll call, the vote was yeas 49—Anderson, Bates, Blankenship, Breckinridge, Bush, Casey, Conrad, Cornett, Cottengim, Day, Dunsil, Everett, Fitzpatrick, Flanery, Greene, Gullette, Hadden, Heyburn, Highland, Hilton, Hinkle, Hislope, Isler, Jennings, Kubale, Lowman, Mackey, Martin, Moore, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, R. Reid, Sr., Saylor, Sloan, Tanner, Tinsley, Weintraub, L. B. Wells, Williamson, Wirsch, Young. Nays 27—Beshear, Billington, Breathitt, Bridgers, Burnley, Caudill, Davidson, Davis, Embry, Griffin, Grigsby, Grundy, Harris, Hawkins, C. S. Howard, D. W. Howard, Johnson, McCallum, McFadden, McKinney, Morgan, Mullins, Nunn, H. V. Reid, Searcy, Stith, Thompson. The motion was rejected.

Representative Burnley moved to amend **HB** 44 as follows: "Amend printed copy of **HB** 44 on page 5, section 6, lines 2 and 3 by striking the words 'upon or after attainment of the age of 50 years'."

On roll call, the vote was yeas 15—Beshear, Billington, Bridgers, Burnley, Davis, Embry, Grundy, Harris, McCallum, McKinney, Morgan, Mullins, Nunn, H. V. Reid, Tanner. Nays 57—Anderson, Blankenship, Breckinridge, Bush, Casey, Conrad, Cottengim, Davidson, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Greene, Grigsby, Gullette, Hadden, Hahn, Hawkins, Heyburn, Highland, Hilton, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Loman, Mackey, Martin, Melton, Moore, Ockerman, Parrish, Peace, Pollitte, Ratcliff, Ray, Rayburn, V. Reed, R. Reid, Sr., Reynolds, Saylor, Sloan, Stith, Thompson, Tinsley, Walsh, Weintraub, L. B. Wells, Williamson, Wirsch, Young. The amendment was rejected.

Representative Davidson moved **HB** 44 be made Special Order for Wednesday, January 25, at 2 P. M. Motion lost.

HB 44 read at length for the third time.

Representative Ockerman moved the Previous Question. Agreed.

On roll call, the vote was yeas 80—Anderson, Bates, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Heyburn, Highland, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid R. Reid, Sr., Reynolds, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, Weintraub, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 2—Burnley, Wathen. The bill was passed and the title agreed to.

Representative Burnley moved that the vote by which said Bill was passed be reconsidered and said motion be laid on the table. Agreed.

Reference of Bills and Resolutions

The Speaker announced referral of the following bills and resolutions:

Public Utilities: **HB 170, HB 174, HB 178**
Municipalities: **HB 171**
Agriculture and State Fair: **HB 172**
Ways and Means: **HB 173, HB 175, HB 179, HR 17, HR 18**
Labor and Industry: **HB 176**
Suffrage, Elections and Constitutional Amend.: **HB 177**
Revenue and Taxation: **HB 180, HB 181**
Health and Welfare: **HB 182**

Introduction of Bills and Resolutions

HB 183, by Representative Breckinridge, AN ACT relating to school districts.

HB 184, by Representative Hahn, AN ACT relating to conveyances and encumbrances.

HB 185, by Representative Beshear, AN ACT relating to pests.

HB 186, by Representative Breckinridge, AN ACT relating to taxation for school purposes.

HB 187, by Representative Breckinridge, AN ACT proposing an amendment to the Constitution of the Commonwealth of Kentucky relating to education.

HB 188, by Representative Breckinridge, AN ACT relating to traffic regulations and equipment of vehicles.

HB 189, by Representative A. W. Wells, AN ACT relating to the disposal of carcasses of domestic animals and other packing house refuse.

HB 190, by Representative McFadden, AN ACT relating to witnesses.

HB 191, by Representative McFadden, AN ACT relating to revenue and taxation.

HB 192, by Representative Beshear, AN ACT relating to insurance applications, amending KRS 304.656.

HB 193, by Representative Ockerman, AN ACT relating to election precincts using voting machines.

HB 194, by Representative McCallum, AN ACT relating to insurance.

HB 195, by Representatives Peace, McFadden, McKinney, H. V. Reid, Griffin, Grundy, Jennings, AN ACT relating to teacher's retirement.

HB 196, by Representative Peace, AN ACT relating to education.

HB 197, by Representative Peace, AN ACT relating to primary elections.

HB 198, by Representative Moore, AN ACT relating to county budget commissions.

HB 199, by Representative Moore, AN ACT relating to juvenile courts.

HB 200, by Representative Moore, AN ACT relating to juvenile courts.

HB 201, by Representative Tanner, AN ACT relating to judicial districts.

HB 202, by Representative Thompson, AN ACT relating to fishing.

HB 203, by Representative Kubale, AN ACT relating to juries.

HB 204, by Representative Bush, AN ACT relating to insurance applications, and amending section 304.656 of the Kentucky Revised Statutes.

HB 205, by Representative Kubale, AN ACT relating to claims against decedents' estates.

HB 206, by Representative Casey, AN ACT relating to game and fish.

HB 207, by Representative Casey, AN ACT relating to game and fish.

HB 208, by Representative Newsom, AN ACT relating to motor vehicles and providing penalties.

HB 209, by Representatives Harris, Davis, AN ACT relating to crime enforcement.

HB 210, by Representative Everett, AN ACT relating to the establishment of roadblocks on highways.

HB 211, by Representative Cornett, AN ACT relating to practical dentistry.

HB 212, by Representative Buchanan, AN ACT imposing a tax upon the sale, use, consumption, handling or distribution of nonalcoholic beverages . . . and making an appropriation.

HB 213, by Representative Bridgers, AN ACT relating to the dispensing and sale of narcotic drugs.

HB 214, by Representative Stith, AN ACT changing the classification of the city of Brandenburg in Meade County.

HB 215, by Representative Casey, AN ACT relating to school employes.

HB 216, by Representative Morgan, AN ACT relating to revenue bond anticipation notes in connection with public projects.

HB 217, by Representative Everett, AN ACT relating to milk and cream.

HB 218, by Representative Morgan, AN ACT appropriating money out of the General Expenditure Fund in the State Treasury for the purpose of paying certain claims which have been duly audited and approved according to law and which have not been paid because of the lapsing or insufficiency of former appropriations against which such claims were chargeable.

HB 219, by Representative Davidson, AN ACT to regulate judicial review of the final orders of Boards, Commissions and Administrative Agencies.

HB 220, by Representative Morgan, AN ACT relating to the offices of receiver and commissioner in certain counties, amending KRS 62.275 and 64.280.

HB 221, by Representative Weintraub, AN ACT relating to advertising and labeling of foods.

HB 222, by Representatives Grigsby, Weintraub, AN ACT relating to the office of special circuit judge of this Commonwealth, and to amend sections 23.310 and 23.350 of the Kentucky Revised Statutes.

HB 223, by Representative Martin, AN ACT regulating the traffic in used copper wire and cable.

HB 224, by Representatives Buchanan, Greene, AN ACT relating to taxation.

HB 225, by Representative Harris, AN ACT relating to pyrotechnics.

HB 226, by Representative Bridgers, AN ACT relating to crimes and punishments.

HB 227, by Representative Young, AN ACT relating to the "friend of the court."

HR 19, by Representative Buchanan, A JOINT RESOLUTION declaring the third Friday and Saturday in October of each year as days for holding the Daniel Boone Festival in Barbourville, Kentucky, in commemoration of the life and memory of Daniel Boone.

HR 20, by Representative Freeman, A JOINT RESOLUTION authorizing Stanley Crouch, father and administrator of the estate of Lonnie Edward Crouch, a minor, to sue the Department of Conservation and the Commonwealth of Kentucky, or either.

Representative Morgan moved to adjourn until 1 P. M., January 24. Agreed.

TUESDAY, JANUARY 24, 1956

EIGHTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Carter Roberts, Church of the Nazarene, Frankfort.

Roll Call showed all present except Barnum, Gay, Nunnelley, Williamson, Wilson, who were granted leave of absence on motion of Representative Morgan.

Senate Message

Senate message announcing passage of **HB 42, HB 40, HB 1, SB 1, SB 35, SR 5, SR 7, SR 11, SR 16** read by Clerk.

Representative Isler moved that reading of January 23 Journal be dispensed with and that same be approved. Agreed.

Report of Committees

The Committee on Suffrage and Elections reported **HB 36** with the expression of opinion that the same should pass by way of committee substitute attached thereto. Read at length for the first time and ordered placed in the Calendar.

HB 36: AN ACT relating to absent voting, and amending Sections 126.140, 126. 150, 126.160 and 126.210 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

Section 1. Section 126.140 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Absent voter" means any qualified voter who expects in the course of his business or duties to be absent from the county in which is situated his voting precinct on the day of holding any election, or any person who expects to be unable to appear at the polling place in his voting precinct, because of sickness or physical disability, on the day of holding any election.

(2) "Election" means any regular election, primary election or special election, for any federal, state, district, county or city office, including school district offices, and any election upon a public question.

Section 2. Section 126.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any absent voter may, at any time not less than ten days before an election, make an application in writing, on the form prescribed in KRS 126.160, to the clerk of the county court of the county of his residence, for an absent voter's ballot.

(2) The application of an absent voter who expects to be unable to appear at the polling place because of sickness or physical disability, shall be accompanied by the affidavit of a licensed physician stating the name of the absent voter, and that in his opinion it will be impossible for said absent voter to appear on election day at the polling place in the precinct in which he is registered, and shall state the reason therefor.

Section 3. Section 126.160 of the Kentucky Revised Statutes is amended to read as follows:

Applications for absent voter's ballots shall be signed and sworn to by the absent voter before the county clerk or before a civil officer authorized by law to administer an oath. The application shall be substantially in the following form:

"County Court Clerk of--------------County, ----------------- Kentucky. "I, --------------, state that I am a resident of the State of Kentucky and have been such for at least one year prior to the date hereof. I am a resident of--------------County and have been such for more than six months prior to said date and expect to be absent therefrom in the course of my business or duties or expect to be unable to appear at the polling place because of sickness or physical disability at the election to be held on the--------day of ----------------, 19-----, and will not vote elsewhere at said election, and am a resident of------------, county of------------), (or-----------ward of the city of----------, county of----------), and have been such for at least sixty days prior to said date; that I reside at------------------------------(house number and street address, if in city, or county road and nearest neighbor, if in county) that I will be at least eighteen years of age by the day of the next election, and that I am a duly qualified voter of said precinct (or said ward), and I am affiliated with the----------------------political party; I request that an official ballot be mailed to me at the following address:

(Name and Address)

(Rank and unit if member of Armed Forces)

(Department of United States Government if an employe or the wife of an employe stationed abroad)

(Voter must sign here, and oath must be administered and attested)
"Subscribed and sworn to before me this----day of--------, 19----

----

(Name and official Title)".

Section 4. Section 126.210 of the Kentucky Revised Statutes is amended to read as follows:

The Secretary of State shall cause to be prepared and printed an appropriate number of inner envelopes for absent voter's ballots, for all counties. Each such envelope shall be gummed, ready for sealing. Upon one side of such envelope shall be printed, in substantially the following form:

OFFICIAL ABSENT VOTER'S BALLOT

Name of Voter______________________Residence (street number, if any) _______________County___________________City or Town of ____________________ On the other side of such envelope shall be printed the following oath:

"I do hereby swear (or affirm) that I am a citizen of the United States and am now of the age of at least eighteen years or will be on the day of election to be held on the______day of__________, 19___ (here insert the day of election,) that I will have been a resident of the State of Kentucky for at least one year next preceding such election, and a resident of the County of________________for more than six months preceding such election, and a resident of __________, precinct of said county (or__________ward of the city of___________, County of______________) at least sixty days preceding such election; that I am a duly qualified voter of said precinct or said ward, and I am affiliated with the________________political party; that in the course of my business or duties I expect to be absent from said precinct or ward at the time of said election or expect to be unable to appear at the polling place, because of sickness or physical disability.

____

(Voter must sign here, and oath must be administered and attested.)
"Subscribed and sworn to before me this____________________day of

____

(Official Title)

Such oath shall constitute prima facie evidence that the voter is qualified to vote, unless the statements contained in such oath indicate the contrary.

The Committee on Health and Welfare reported **HB 46, HB 152** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 46: AN ACT relating to public assistance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 205.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 205.160 to 205.320, unless the context requires otherwise:

(1) "Department" means the Department of Economic Security;

(2) "Commissioner" means the Commissioner of Economic Security or his authorized representative;

(3) "Division" means the Division of Public Assistance in the Department of Economic Security;

(4) "Public Assistance" means money grants, assistance in kind or services to or for the benefit of needy aged, needy blind, needy permanently and totally disabled persons, needy children or relative with whom a needy child lives;

(5) "Needy child" means a child under the age of eighteen who has been deprived of parental support by reason of the death, absence or incapacity of a parent, and who is unable to provide for himself and who does not otherwise have provided for him a subsistence compatible with decency and health.

(6) "Parent," in addition to natural or adopted parent, shall include step-parent;

(7) "Needy aged" means a person who has attained the age of sixty-five and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health.

(8) "Needy blind" means a person who has no vision or whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(9) "Relative with whom a needy child lives" means the individual, of the degree of relationship prescribed by regulation, with whom such child is living in a place of residence maintained by such individual by himself or together with one or more other persons of the prescribed degree of relationship.

(10) "Needy permanently and totally disabled person" means a person who has attained the age of eighteen years or older and who is unable because of his physical or mental condition to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(11) "Private institution" means any establishment or place other than a public institution operated or maintained by any individual, association, corporation or other organization which provides a group living arrangement for four or more individuals, who are cared for and maintained in residence for compensation or otherwise;

(12) "Public institution" means any establishment or place which is the responsibility of and administered by the state or any political subdivision thereof providing a group living arrangement in which one or more individuals are cared for and maintained in residence;

(13) "Public medical institution" means any public institution the primary purpose of which is to furnish hospital care and medical treatment.

Section 2. Section 205.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) A needy aged person, a needy blind person, a needy child, a needy permanently and totally disabled person, or a relative with whom a needy child lives shall be eligible to receive a public assistance grant only if he has made a proper application or an application has been made on his behalf in the manner and form prescribed by regulation. No individual shall be eligible to receive public assistance under more than one category of public assistance for the same period of time.

(2) Public assistance shall not be payable to or in behalf of any individual who is an inmate of a public institution, except as a patient in a medical institution, or to or in behalf of any individual who is a patient in an institution for tuberculosis or mental diseases, or who has been diagnosed as having tuberculosis or psychosis and is a patient in an institution as a result thereof.

(3) The commissioner may, by regulation, prescribe as a condition of eligibility that a needy child regularly attend school, and may further, by regulation, prescribe the degree of relationship of the person or persons in whose home such needy child must reside.

(4) No child born out of wedlock after June 15, 1950 shall be eligibile under KRS 205.160 to 205.250 and KRS 205.260 to 205.320 as a needy child until after a bastardy proceeding involving the child has been initiated. The requirement of this subsection may be waived as prescribed by regulation if a bastardy proceeding cannot be had or would be futile, or would not be to the best interest of such child, or its mother or contrary to the public interest.

(5) The department shall promptly notify the appropriate law enforcement officials of the furnishing of aid to dependent children in respect to a child who has been deserted or abandoned by a parent.

(6) (a) A needy aged person, a needy blind person or a needy permanently and totally disabled person shall not be eligible to receive a public assistance grant unless he now resides and has resided in this state at least three years out of the seven years immediately preceding the application and has resided herein continuously for one year immediately preceding the application.

(b) A needy child residing in the state shall not be eligible to receive a public assistance grant unless he has resided in this state for one year immediately preceding the application or was born within one year immediately preceding the application and its parent or other relative with whom the child is living has resided in this state for at least one year immediately preceding the birth.

Section 3. Section 205.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Payments of public assistance grants for eligible individuals

shall be made at the time and in the manner prescribed by regulation to:

(a) The needy aged or needy blind or needy permanently and totally disabled person or recipient; or

(b) The parent or realtive with whom a needy child lives; or

(c) The parent or legal guardian of a blind minor; or

(d) The legal guardian of (a) or (b) above; or

(e) Such other persons on behalf of an eligible person as may be prescribed by regulation.

(2) Any person who is receiving and disbursing public assistance grants on behalf of another individual eligible under KRS 205.160 to 205.250 shall upon request make an accounting of such funds to the division in accordance with regulations. If a public assistance grant made on behalf of a needy individual is not used for the benefit of such individual, such payment shall be suspended pending reasonable assurance that future grants will benefit the individual on whose behalf such payments are made.

(3) Public assistance shall not be assignable and shall be exempt from levy or execution.

Section 4. Section 205.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) All money appropriated by this state, all money received from the United States or any agency thereof, and all money received from any other source for the public assistance functions administered by the division are hereby appropriated and shall be available to the commissioner for expenditure consistent with the provisions of KRS 205.160 to 205.250 and KRS Chapter 195.

(2) Prior to July 1 of each fiscal year the commissioner shall allocate the money in the Public Assistance Fund to the four categories of public assistance provided in KRS 205.160 to 205.250 and KRS 205.260 to 205.320; namely, needy children, needy aged, needy permanently and totally disabled persons and needy blind, in proportion to the estimated number of applicants and recipients in each category for the following fiscal year, provided, that the commissioner may, in any legislative biennium, reallocate said funds based on the number of recipients during any such biennium and the anticipated applicants during the balance of the biennium.

Section 5. Section 195.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall exercise all functions of the state in relation to:

(a) Administration and supervision of state unemployment insurance;

(b) Administration and supervision of state employment offices;

(c) Administration and supervision of all forms of public assistance including general home relief, outdoor and indoor care for persons in need, old age assistance, aid to dependent children, aid to permanently and totally disabled persons, and aid to the blind and otherwise handicapped;

(d) Administration and supervision of social services to children and families who are applicants or recipients of public assistance.

(2) The functions heretofore performed by the Department of Industrial Relations in respect of the functions above outlined are hereby transferred to and vested in the Department of Economic Security. All administrative functions of the nature outlined above, heretofore performed by other agencies of the state, are hereby abolished and shall hereafter be performed by the Department of Economic Security.

HB 152: AN ACT relating to medical practice.

Be it enacted by the General Assembly of the Commonwealth Kentucky:

Section 311.570 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall be eligible for a regular license under KRS 311.550 to 311.620 unless (a) at least twenty-one years of age, (b) of good moral character, (c) a citizen of the United States of America, (d) graduated from an accredited high school of its equivalent and satisfactorily completed and graduated from a four-year course of instruction in a medical or osteopathic school or college situated in the United States or Canada and approved by the board during the entire period of attendance thereat, (e) satisfactorily completed at least one year internship in an institution approved by the board, and (f) possessing all of the other qualifications that may be prescribed by rules and regulations of the board. Provided, however, that the foregoing shall not be construed to prohibit the board from issuing a regular license to persons who have attended medical or osteopathic schools or colleges situated outside the United States or Canada if such schools or colleges are approved by the board and if the applicant has successfully completed at least five years training in the United States in a hospital or other institution approved by the board and has also successfully passed a regular examination conducted by the National Board of Medical Examiners.

(2) Subject to the exceptions set out herein, no person who possesses the qualifications set out in (a), (b) and (c) of subsection (1) of this section, and who has been graduated from an accredited high school, has satisfactorily completed a premedical course of instruction of at least two years in an accredited college or university, has satisfactorily completed and been graduated from a four-year course of instruction in a medical or osteopathic school or college situated in the United States or Canada and approved by the American Medical Association or the American Osteopathic Association during the entire

period of attendance thereat, and who has completed an internship of one year in a hospital approved for such training by the same associations, shall be denied admission to the examination in this state for a regular license, upon payment of the prescribed fee. However, the board may deny admission to the examination or refuse to issue a license upon successful passage of the examination upon proof that a person: (a) has been convicted for violating any state or federal narcotic or barbiturate law, (b) has had his license suspended or revoked in some other state, (c) has been convicted of a felony, (d) is emotionally unstable, (e) has been adjudged to be of unsound mind, (f) has violated KRS 311.585, or (g) has engaged in any acts or conduct that would constitute grounds for suspension or revocation of a license under KRS 311.550 to 311.620.

(3) (a) No person shall be eligible for a limited license unless (1) at least twenty-one years of age, (2) of good moral character, (3) a citizen of the United States, or has filed with a United States District Court "first papers" for United States citizenship, (4) actually residing in Kentucky at the time of making application or expressing in writing an intention to become an actual resident of this state after issuance of the limited license, (5) has been graduated from an accredited high school or its equivalent and completed a premedical course of instruction of at least two years in an accredited college or university and has satisfactorily completed and been graduated from a four year course of instruction in a medical school approved by the board for limited licenses, and (6) possesses all the other qualifications and education that may be prescribed by rules and regulations of the Board.

(b) All applicants for a limited license shall be required to take and successfully pass a written examination conducted by the Board in which the education and ability of the applicant shall be determined. An applicant who has successfully passed such examination shall not be required to submit to another examination in order to obtain a renewal, or an extension of a limited license.

(c) Any person who shall hereafter or who may have heretofore held a limited license to practice general medicine in any county or counties of this state for a total period of not less than ten (10) years, who has successfully passed a written examination conducted by the Board as a condition of obtaining or retaining said limited license, who has conducted his practice in accordance with the principles of medical ethics of the American Medical Association as approved and adopted by the Kentucky Board of Health, and is of good moral character, may, in the reasonable discretion of the Board and without further examination, be granted a regular, unlimited license to engage in the practice of medicine in this state.

(d) Any applicant for a regular, unlimited license to engage in the practice of medicine in this state who has met the qualifications of Subsection (c) next preceding (KRS 311.570, Subsection (3) (c)) shall be deemed to have adequate education and training and the same is hereby declared to be the equivalent.

(4) Except as provided by Subsection (2) (g) of KRS (1) of KRS 311.570.

(4) Except as provided by Subsection (2) (g) of KRS 311.565 and Subsection (3) (c) of KRS 311.570, no license shall be issued except upon the successful passage of an examination as prescribed by the Board. All applicants for a regular license must take the same general examination, and in addition, osteopathic applicants shall take an examination in osteopathic principles and practice.

(5) No person shall be deemed to have successfully passed an examination in this state unless he makes an average grade of at least seventy-five in all subjects prescribed by the board, and a grade of at least sixty-five in each subject.

(6) All examination papers shall be preserved for one year.

(7) No license shall be issued, refused, suspended or revoked by the board, nor shall any licensee be placed on probation, except in compliance with KRS 311.550 to 311.620 and the rules and regulations promulgated thereunder by the board and filed with the Secretary of State of this Commonwealth pursuant to KRS Chapter 13.

The Committee on Education reported **HB 88** with the expression of opinion that the same should pass with amendment. Read at length for the first time and ordered placed in the Calendar.

Representative Morgan moved that **HB 88** be amended as follows: "Amend printed copy of **HB 88** on page 1, line 5 by changing the words 'two newspapers' to 'the newspaper,' and in line 6, change the word 'five' to 'three'." Agreed.

HB 88: AN ACT relating to schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When it is determined by any county board of education to sell or dispose of any school property having a value of more than one hundred dollars, such property shall be disposed of by auction to the highest and best bidder. The board shall cause the intended auction to be advertised in two newspapers having the largest circulation in the county for at least five successive issues. Such advertisements shall be initiated not more than thirty days nor less than fifteen days before the sale.

Report of Committees

The Committee on Ways and Means reported **HB 179, HB 145, HB 63, HB 124, HB 139, HB 87, HB 86, HR 16** with the expression of opinion that the same should pass. Read at length for first time and ordered placed in the Calendar.

The Committee on Municipalities reported **HB 136** with the expression of opinion that the same should pass. Read at length for first time and ordered placed in the Calendar.

HB 179: AN ACT relating to Social Security for public employes.

WHEREAS, more than thirty states have already placed their state colleges under federal Social Security coverage, and twenty of these states have done so since the amendment of the federal law in 1954 permitting a state to regard its public higher institutions of learning as separate systems for retirement purposes, and

WHEREAS, in thirty-two states public colleges and universities maintain for their faculties two or more retirement programs, and in this state the University of Kentucky already maintains what is essentially a combination of retirement programs, and

WHEREAS, Social Security coverage for the faculties of Kentucky's five state colleges will assure those institutions of a retirement program essentially on a par with that of the University of Kentucky, without the necessity of any additional appropriation, and without disturbing, impairing or adversely affecting the Kentucky Teachers' Retirement system, and

WHEREAS, retroactive coverage to January 1, 1955, can only be obtained if authorization is given by the 1956 Legislature.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 61.410 is amended to read as follows:

(1) In order to extend to certain employees of the Commonwealth and its political subdivisions, and interstate instrumentalities, not now members of public retirement systems, and to the dependents and survivors of such employes, the basic protection accorded to others by the Old-Age and Survivors Insurance System embodied in the Social Security Act, it is hereby declared to be the policy of the General Assembly to provide such protection to such employes, and their dependents and survivors, on as broad a basis as is permitted under the Social Security Act.

(2) Subject to the provisions of KRS 61.430 (6) and the Federal Social Security Act, as amended, and regardless of present coverage under a public retirement system, it is declared to be the policy of the General Assembly to extend the aforesaid protection to the employes of the state college enumerated in KRS 164.290, and their dependents and survivors.

Section 2. The following definition is added and shall be compiled in KRS 61.420 as follows:

(9) "Secretary of Health, Education and Welfare" includes any individual to whom the Secretary of Health, Education and Welfare

has delegated any of his functions under the Social Security Act, with respect to coverage under this Act, and with respect to any action taken prior to April 11, 1953, includes the Federal Security Administrator and any individual to whom such Administrator has delegated such functions.

Section 3. KRS 61.430 is amended to read as follows:

Consistent with the terms and conditions of KRS 61.410 to 61.500, the state agency, with the approval of the Governor, is hereby authorized to enter on behalf of the Commonwealth into an agreement with the Secretary of Health, Education and Welfare, for the purpose of extending the benefits of the Federal Old-Age and Survivors Insurance System to employes of the Commonwealth or any political subdivision thereof with respect to services specified in such agreement which constitute "employment" as defined in KRS 61.420. Such agreement may contain in such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration and other appropriate provisions as the state agency and Secretary of Health, Education and Welfare shall agree upon, but except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreements shall provide in effect that:

(1) Benefits will be provided for employes whose services are covered by the agreement, and their dependents and survivors, on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act:

(2) The state will pay to the Secretary of the Treasury, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages equal to the sum of taxes which would be imposed by Sections 1400 and 1410 of the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that act;

(3) Such agreement or modification of such agreement shall be effective with respect to services performed after an effective date specified in the agreement or modification thereof, but in no case prior to January 1, 1951, and in no case (other than in the case of an agreement or modification agreed to prior to January 1, 1953) prior to the first day of the calendar year in which such agreement or modification, as the case may be, is agreed to by the Secretary of Health, Education and Welfare and the Commonwealth; provided, however, that in case of any agreement covering any state college made pursuant to Subsection (6) of this section, the effective date may be made retroactive to January 1, 1955, in the discretion of the agency concerned, and within the limits prescribed by the Federal Social Security Act, as amended.

(4) All services which constitute employment and are performed

in the employ of the Commonwealth by employes of the Commonwealth shall be covered by the agreement.

(5) All services which (a) constitute employment, (b) are performed in the employ of a political subdivision of the state, and (c) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the state agency under KRS 61.460, shall be covered by the agreement.

(6) (a) Such agreement or modification of such agreement, as permitted under the Social Security Act, shall include all services described in subsection (4) and performed by employes in positions covered by a retirement system at the various state colleges enumerated in KRS 16.290, with respect to which the Governor has issued a certificate to the Secretary of Health, Education and Welfare pursuant to this subsection:

(b) At the earliest practicable date after the effective date of this Act, the Governor shall authorize referendums and designate agencies or individuals to respectively supervise their conduct in each state college in accordance with the requirements of Section 218 (d) (3) of the Social Security Act, and this subsection, on the question of whether or not the service in the positions, now covered by a public retirement system established by law, in the respective state colleges should be included under such agreement;

(c) The Governor, before authorizing a referendum, shall require that the state college in which it is to be conducted shall meet the following conditions:

Each referendum shall be by secret, written ballot on the question of whether or not service in positions now covered by a public retirement system in the state college shall be included under the agreement between the Governor and the Secretary of Health, Education and Welfare;

An opportunity to vote in such referendum shall be given and shall be limited to all eligible employes of the state college;

Not less than ninety days notice of such referendum shall be given to all such employes of the state college;

Such referendum shall be conducted under the supervision of an agency or individual designated by the Governor;

The proposal for coverage shall be approved only if a majority of the eligible employes of the state college vote in favor of including services in such positions under the agreement.

(d) Upon receiving satisfactory evidence that, with respect to any such referendum, the conditions specified in this subsection and Section 218 (d) (3) of the Social Security Act have been met, the Governor shall so certify to the Secretary of Health, Education and Welfare.

(7) For the purposes of this section, employes of each of the colleges enumerated in KRS 164.290 shall be considered a separate coverage group.

HB 145: AN ACT relating to the marketing of eggs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act unless the context otherwise requires:

(1) "Board" means the Egg Marketing Board;

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(3) "Department" means the Department of Agriculture, Labor and Statistics;

(4) "Dealer" means a person, organization, or cooperative engaged in the business of buying eggs from producers, either on his own account or as an agent, and selling or transferring eggs by the case to a wholesaler, processor, retailer or other person;

(5) "Handler" means a dealer, processor, wholesaler or retailer;

(6) "Person" means any individual, firm, partnership, corporation, company, or association, and shall include any trustee, receiver, or similar representative;

(7) "Processor" means a person who operates a plant for the purpose of breaking eggs for freezing or drying;

(8) "Retailer" means any person selling or offering for sale eggs to consumers in this state;

(9) "Wholesaler" means a person who assembles eggs in case lots and disposes of them in quantities to retailers, or through other distribution channels;

(10) "Candled and Graded" means candled and graded under state and federal standards and regulations;

(11) "Ungraded and Candled" means the general run of edible eggs as they come from the producer, not sized or graded, but candled.

Section 2. No person shall buy, sell, trade, traffic, or process eggs in Kentucky without a license issued pursuant to the Egg Marketing Law, with the following exceptions:

(1) Those who sell only eggs produced by their own flocks;

(2) Hatcheries purchasing eggs to be used exclusively for hatching purposes;

(3) Hotels, restaurants, and other eating places where all eggs purchased are served in the establishment;

(4) Bakeries, confectioneries, and ice cream manufacturers who use eggs in a manufactured product; and

(5) Consumers buying eggs for their own consumption.

Section 3. The Department shall administer all provisions and exercise all administrative powers in the Egg Marketing Law. The Department may adopt reasonable rules and regulations necessary to carry out the provisions of the Egg Marketing Law.

The Department may conduct hearings, make examinations, administer oaths, and subpoena witnesses to the extent necessary for proper administration of the Egg Marketing Law.

Section 4. (1) There shall be an Egg Marketing Board in the Department of Agriculture, Labor and Statistics. The Board shall act in advisory capacity to the Commissioner in all matters pertaining to the administration of the Egg Marketing Law.

(2) The Board shall be composed of the Commissioner, Chairman, ex officio, and six members appointed by the Governor from lists of names submitted by egg producing and marketing organizations within the Commonwealth approved by the Commissioner for the purpose of submitting such lists. Appointments shall be for three years, except that in the case of the members first appointed, two members shall be appointed for one year, two members for two years, and two members for three years. All members must be residents of the Commonwealth and not more than three shall be of the same political party.

(3) The Board shall meet at least once each fiscal quarter and at such other times as the Chairman may deem necessary. The Chairman shall serve without additional compensation, but the members shall receive reimbursement for their necessary traveling expenses and the sum of ten dollars per day for each day they attend board meetings, payable out of funds derived from administration of the Egg Marketing Law.

Section 5. The Department shall prescribe reasonable regulations setting up standards governing the form and schedule for processing applications for egg licenses, the determination of whether an application for license shall be granted or denied, and the procedures and grounds for the suspension and revocation of a license.

Section 6. Any order of the Department refusing, revoking or suspending an egg license may be appealed by the aggrieved party to the Franklin Circuit Court in the manner provided in the Rules of Civil Procedure for appeals from inferior courts. Either party may appeal the judgment of the Franklin Circuit Court to the Court of Appeals in the manner provided in the Rules of Civil Procedure.

Section 7. (1) A license is required of each handler of eggs located in the Commonwealth subject to the exceptions specified in Section 2. The annual license fees are as follows, varying, for dealers, wholesalers, and processors, according to the average weekly volume of the month in which the licensee handled the most eggs during the preceding year:

(a) Retailers	$ 5.00
(b) Dealers and Wholesalers	
1 to 25 cases	$ 5.00
26 to 50 cases	$10.00
51 to 100 cases	$15.00
more than 100 cases	$20.00

(c) Processors

less than 250 cases	$20.00
251 to 500 cases	$30.00
551 to 1,000 cases	$40.00
more than 1,000 cases	$50.00

(2) Any egg handler engaged in more than one type of activity for which a license is provided must pay only that fee which is the highest of the fees prescribed for each type of activity in which he is engaged.

All licenses shall expire on April 1 of each year. Handlers having more than one place of business must hold a license for each place. Each application shall bear the names of the persons responsible for candling or grading eggs.

Section 8. (1) All eggs bought or sold by or to retailers, consumers, and institutional users by licensees shall be candled at all times of the year.

(2) Eggs to be offered for sale for human consumption shall be handled in such manner as to maintain and preserve the quality and grade in which they are to be offered for sale.

(3) No person shall sell, offer or expose for sale, or have in his possession for sale, for human consumption, eggs that are inedible, including eggs that are unfit for human food in whole or in part, addled or moldy, containing black rot, white rot, or blood ring, adherent yolks, or bloody whites, incubated beyond the blood ring stage, or consisting to any extent of filthy decomposed substance.

Section 9. (1) Eggs offered for sale as gradade eggs shall meet the following specifications and weight classes for consumer grades:

(a) "Kentucky Consumer Grade A" consists of eggs of which at least eighty percent are "A Quality" or better and not more than five percent are of the qualities below "B" in any combination exclusive of "Dirties." The tolerance may include one percent "Leakers" at inspection in this grade. Eggs of this quality with stained shells may be classified as "Grade A Stained."

(b) "Kentucky Consumer Grade B" consists of eggs of which at least eighty percent are "B Quality" or better, ten percent are "C Quality" or "Stained" in any combination, or better, and not more than ten percent are "Dirties" or "Checks" in any combination. The tolerance may include one percent "Leakers" at inspection in this grade. Eggs of this quality with stained shell may be classified as "Grade B Stained".

(c) "Kentucky Consumer Grade C" shall consist of eggs of which at least eighty percent are "C Quality" or "Stained", in any combination, or better, the balance in "Dirties" or "Checks" in any combination. The tolerance may include two percent "Leakers" at inspection in this grade.

(d) **Kentucky Weight Classes for Consumer Grades for Shell Eggs:**

Size or weight class	Minimum net weight per dozen (ounces)	Minimum net weight per thirty dozen (pounds)	Minimum weight for individual eggs or rate per dozen (ounces)
Jumbo	30	56	29
Extra Large	27	50½	26
Large	24	45	23
Medium	21	40	20
Small	18	34	17
Pee Wee	15	28	

(2) The Department shall by regulation define all terms used in the specifications that are not defined in the specifications.

(3) The Department may amend the specifications and weight classes for consumer grades at any time to bring them into conformity with federal standards for grading eggs for sale, providing the changes are submitted to the General Assembly for approval at the first session following the change.

Section 10. (1) All wholesale egg packs consisting of cases or portions of cases must bear a label designating contents, quality, date of packing, candler's name or number, dealer's name and address, and size if sold as graded eggs.

(2) Graded eggs offered for sale in cartons or other packs containing one dozen or less shall be plainly marked as to grade, quality, and size with letters not less than one-fourth inch in height.

(3) Eggs offered for sale as ungraded candled eggs shall be plainly marked "Ungraded and Candled" on the cartons with letters not less than one-fourth inch in height, and in bulk on a placard with letters not less than one-half-inch in height.

Section 11. The Commissioner may employ inspectors for the purpose of enforcing the provisions of the Egg Marketing Law. Such inspectors may examine any eggs offered or exposed for sale for human consumption at such times and places and in such manner as the Commissioner may direct. All licensees shall keep a record of all eggs handled during the license year, and such other records as the Department shall by regulation require. These records shall be available for examination by authorized agents of the Department.

Section 12. Any person who violates any of the provisions of the Egg Marketing Law shall be fined an amount not exceeding one hundred dollars for each offense. In a violation involving sales without a required license, each day of business operation shall constitute a separate offense.

Section 13. All fees collected under the provisions of the Egg Marketing Law shall be credited to the Department for use in carrying out the provisions of the Egg Marketing Law.

Section 14. Sections 217.210, 217.220, 217.230, 217.240, and 217.250 of the Kentucky Revised Statutes are repealed.

Section 15. This Act shall become effective on the first day of January, 1957.

HB 63: AN ACT to amend and re-enact Kentucky Revised Statutes 189.990 (1) relating to penalties for violating traffic regulations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

Penalties. (1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, KRS 189.380, KRS 189.390, except subsection (4) (c), KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, or KRS 189.570 to 189.630, except subsection (1) of KRS 189.580, shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than ten dollars nor more than two thousand dollars, or imprisoned in the county jail for not more than one year, or both. Any person who violates KRS 189.390 (4) (c) shall be fined not less than one dollar nor more than twenty dollars. Neither court costs nor fees shall be taxed against any person convicted of violating KRS 189.390 (4) (c).

HB 124: AN ACT related to sanitation districts and water pollution control.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 220.140 of the Kentucky Revised Statutes is amended to read as follows:

Within twenty days after the commissioner certifies to the county clerk of each county in which the district is located that the district is incorporated, there shall be appointed a board of directors for the district, consisting of three members, which shall control and manage the affairs of the district. If the district lies wholly within a single county, the county judge of that county shall appoint all of the directors. If the district lies within two counties, the county judge of the county in which the greater portion of the population of the district resides shall appoint two directors and the county judge of the other county shall appoint the third. If the district lies within more than two counties, the county judges of all the counties shall jointly select the directors, but each one so appointed must reside in a different county. Not less than two of the directors shall be freeholders, and not more than two of them shall belong to or be affiliated with the same political party. No director shall be in any way associated or connected with the ownership, operation or control of any privately owned public utility operating within the district. The terms of office of the first board of directors shall be two, three and four years, respectively, from the date of their appointment, the length of the term of office of each member to be determined by lot at their first meeting, but the individual holding such office shall do so at the pleasure of the county judge by whom he is appointed, and he may be removed by the county judge by whom he was appointed and his unexpired term filled by another appointee of such county judge. After the expiration of the respective terms of office of the first board, each director shall be appointed for a term of four years, subject to the will of the county judge making the appointment. Vacancies resulting from any cause other than expiration of term shall be filled only for the unexpired term. The county judge of the county whose director has completed his term of office or whose office has otherwise been vacated shall fill the vacant office, except that when the district lies within more than three counties vacancies resulting from expiration of term shall be filled in rotation by the county judges of those counties not represented by a director at the time a vacancy occurs. The directors shall at all times be residents of the district, and the office of any director who moves his residence outside the district shall automatically be vacated.

HB 87: AN ACT relating to the sale or delivery for resale of magazines or other publications.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person, firm, copartnership or corporation who shall, as a condition to a sale or delivery for resale of any paper, magazine, book, periodical or publication, require that the purchaser or consignee received for resale any other article, book, or other publication reasonable believed by the purchaser or consignee to be of the type, the sale of which is punishable under law, shall be fined not more than one thousand dollars, or imprisoned not more than six months, or both.

HB 86: AN ACT relating to the publication, sale and distribution of comic books.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is hereby declared to be the policy of the legislature to restrain the publication; sale and distribution to minors of comic books devoted to crime, terror, physical torture, brutality, or illicit sex. It is found that such comic books and publications are a contributing factor to juvenile crime and a basic factor in impairing the ethical and moral development of our youth.

Section 2. Any person who shall publish or distribute for sale any books, pamphlet or magazine consisting of narrative material in pictorial form, colored or uncolored, and commonly known as comic books, the content of which is devoted to or principally made up of pictures or accounts of methods of crime, terror, physical torture, brutality or illicit sex, shall, upon conviction, be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Section 3.

(a) Any person who shall knowingly sell, lend, give away, show, advertise for sale or distribute commercially to any person under the age of eighteen years or have in his possession with intent to sell, lend, give away, show, advertise for sale, distribute commercially or otherwise offer to any person under the age of eighteen years any comic book as described in Section 2 hereof, shall be fined not more than five hundred dollars or imprisoned not more than six months or both. For the purpose of this section "knowingly" shall mean having knowledge of the character and content of the publication or failure to exercise reasonable inspection which would disclose the content and character of the same:

(b) If any comic book as described in Section 2 hereof is displayed in any newsstand, book store, drug store, market or other merchantile establishment where such publication may be seen by any person under the age of eighteen years, such display shall be presumptive evidence that the person owning or in charge of such establishment was exhibiting the same and intended to sell, offer for sale, display for sale or distribute the same commercially to persons under the age of eighteen years in violation of subsection (a) of this section.

(c) The possession by any person of six or more identical articles coming within the provisions of subsection (a) of this section shall be presumptive evidence of a violation of this section.

Section 4. The Commonwealth's attorney or county attorney, or any citizen of the county may maintain an action in equity in the state, upon the relation of the Commonwealth's attorney, county attorney or citizen to enjoin the publication, distribution or sale of articles prohibited by this Act. The person, firm or corporation sought to be enjoined shall be entitled to a trial, of the issues within one day after joinder of issue and a decision shall be rendered by the court within two days of the conclusion of the trial. In the event that publications, distribution, or sale of such articles is permanently enjoined, the final order shall contain a provision directing the person, firm or corporation to surrender to the county sheriff any of the articles prohibited, and shall direct the sheriff to seize and destroy the same.

HR 16: A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for special expenses incurred in connection with sessions of the General Assembly and declaring an emergency.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is appropriated out of the General Expenditure Fund to the Legislative Research Commission the sum of one thousand and three hundred dollars per calendar day during all regular and special sessions of the General Assembly. This appropriation shall be available for expenditure during the 1955-56 fiscal year.

WHEREAS, the General Assembly is now in session and it is necessary that these funds be available immediately, an emergency is declared to exist and this resolution shall become effective upon its passage and approval by the Governor, and shall be retroactive to include payment of compensation to such personnel from and including January 3, 1956.

The Committee on Judiciary reported **HB 7** with the expression of opinion that the same should pass by way of committee substitute. Read at length for the first time and ordered placed in the Calendar.

HB 7: AN ACT relating to surviving spouse's interest in the estate of deceased spouse.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 392.010 of the Kentucky Revised Statutes is amended to read as follows:

All the sections of this chapter, except KRS 392.100, that relate to the wife's dower or interest in the deceased husband's estate, shall apply in all cases, so far as may be, to the husband's interest in the wife's estate.

Section 2. Section 392.020 of the Kentucky Revised Statutes is amended to read as follows:

After the death of the husband or wife intestate, the survivor shall have an estate in fee of one-half of all the real estate of which the other spouse or anyone for the use of the other spouse, was seized of an estate in fee simple at the time of death, and shall have an estate for his or her life in one-third of any real estate of which the other spouse or anyone for the use of the other spouse, was seized of an estate in fee simple during the coverture but not at the time of death, unless the survivor's right to such interest has been barred, forfeited or relinquished. The survivor shall also have an absolute estate in one-half of the surplus personalty left by the decedent. Unless the context otherwise requires, any reference in the statutes of this state to "dower" or "curtesy" shall be deemed to refer to the surviving spouse's interest created by this section.

Section 3. Section 392.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) When a husband or wife dies testate, the surviving spouse may, though under full age, release what is given to him or her by will, if any, and receive his or her share under KRS 392.020 as if no will had been made, except that in such case the share in any real estate of which the decedent or anyone for the use of the decedent was seized of an estate in fee simple at the time of death shall be only an estate for the surviving spouse's life in one-third of such real estate. Such relinquishment shall be made within twelve months after the probate, and acknowledged before and left for record with the clerk of the court where probate was made, or acknowledged before a subscribing witness and proved before and left with the clerk. If, within those twelve months, an appeal is taken from the judgment probating the will, the surviving spouse need not make such relinquishment until within the twelve months succeeding the time when the appeal is disposed of.

(2) Subsection (1) does not preclude the surviving spouse from receiving his or her share under KRS 392.202, in addition to any bequest or devise to him or her by will, if such is the intention of the testator, plainly expressed in the will or necessarily inferable from the will.

Section 4. Section 392.050 of the Kentucky Revised Statutes is amended to read as follows:

The widow shall be entitled, from the time of the husband's death until dower is assigned, to such share of the rents and profits of her husband's dowable real estate as is equal to her share in the real estate itself, under KRS 392.020, and she shall hold the dwelling house, yard, garden, the stable and lot on which it stands, and an orchard, if there is one, adjoining any of the premises aforesaid, until dower is assigned her, or, in case of renunciation, under KRS 392.080.

Section 5. This Act shall become effective on July 1, 1956.

The Committee on Municipalities reported **HB 153, HB 133, HB 37** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 153: AN ACT changing the classification of the City of Loyall in Harlan County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Loyall, in Harlan County, is such as to justify its being assigned to the fifth class of cities.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the City of Loyall, in Harlan County, is hereby transferred from the sixth to the fifth class of cities.

HB 133: AN ACT changing the classification of the City of Benton, in Marshall County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Benton, in Marshall County, is such as to justify its being classified as a city of the fourth class,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Benton, in Marshall County, is transferred from the fifth to the fourth class of cities.

HB 37: AN ACT relating to taxation in cities of fifth and sixth classes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 92.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) The city council of each city of the fifth class, and the board of trustees of any city of the sixth class that does not adopt the county assessment as made, shall appoint three discreet property owners as a board of equalization.

(2) Each member of the board in a city of the fifth class shall receive five dollars for each day of actual service, and in a city of the sixth class not more than five dollars for each day of actual service.

(3) The city clerk shall act as clerk of the board of equalization.

Section 2. Section 92.420 of the Kentucky Revised Statutes is amended to read as follows:

Property subject to city taxation shall be assessed for city taxation as of the following dates:

(1) In cities of the second class, July 1.

(2) In cities of the third class, a date fixed by the city legislative body.

(3) In cities of the fourth class, April 1.

(4) In cities of the fifth class, January 1.

(5) In cities of the sixth class, July 1.

Section 3. Section 92.520 of the Kentucky Revised Statutes is amended to read as follows:

(1) The assessor of each city of the fifth class shall, between January 1 and March 1 of each year, make out a true list of all taxable property in the city. Except as provided in subsection (4) of this section, the assessor of each city of the sixth class shall make out a similar list between July 1 and November 1 of each year. The mode of making out the list and the proceedings relating thereto, in cities of the fifth and sixth classes, shall be in conformity with the laws regulating the duties of the county tax commissioner, except as otherwise provided by statute or by ordinance. The assessor in each city of the fifth class shall verify the list by his oath, and shall deposit it with the city clerk on or before the first Monday in March. The assessor in each city of the sixth class shall verify the list by his oath, and shall deposit it with the city clerk on or before the first Monday in December.

(2) The assessor of each city of the fifth class shall also, during the time allowed for making out the assessment list, make a copy of all persons residing within the city and verify it by oath, and shall deposit it with the city clerk on or before the first Monday in March. The assessor of each city of the sixth class shall make out a similar list and verify it by oath, and shall deposit it with the city clerk on or before the first Monday in December.

(3) The assessor and his deputy in each city of the fifth or sixth class may administer all oaths necessary in the performance of their duties.

(4) The city legislative body of any city of the sixth class may, by ordinance or resolution, provide that the assessment made by the county tax commissioner for state and county purposes shall be adopted as the assessment for city purposes, in lieu of the assessment provided for in subsection (1) of this section, and that the city tax bills shall be made from the county lists and tax commissioner's books after they have been supervised and corrected by the county board of equalization. In such cases the city clerk shall take the lists of all persons subject to city taxation who are not shown on the county tax commissioner's books, and shall list all property a portion of which is in the city where the value of the portion in the city is not shown on the county tax commissioner's books.

Section 4. Section 92.530 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of equalization of each city of the fifth class shall meet at 10 a.m. on the first Monday of March each year. The board of equalization of each city of the sixth class shall meet at 10 a.m. on the first Monday of December each year. The board of equalization of each city of the fifth or sixth class shall continue in session from day to day until all the returns of the assessor have been rectified, except that in cities of the sixth class the board shall not remain in session more than three days. The board may hear complaints, and

correct, modify or strike out any assessments made by the assessor, and may, on their own motion, raise any assessment upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for that tax for the year, and shall be so certified by the city clerk.

(2) Any taxpayer feeling himself aggrieved by the action of the board of equalization of any city of the fifth or sixth class in assessing or increasing the valuation of his property for taxation may appeal to the quarterly court of the county, within thirty days after the final adjournment of the board, by filing with the judge of the quarterly court a copy of the action of the board, certified by the clerk of the board. The fee of the clerk for the copy shall be fifty cents. If the clerk fails, on demand and tender of the fee, to furnish the person desiring to appeal with a certified copy of the action of the board, the person may appeal within the allowed time by filing his affidavit of the demand and tender with the judge of the quarterly court, who shall thereupon make an order directing the clerk to furnish and file the copy. The quarterly court shall hear evidence and pass upon the appeal, and either party may appeal to the circuit court as in other cases. The city attorney represents the board in all such appeals.

HB 139: AN ACT relating to compensation of officers of sanitation districts, and amending Section 220.170 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 220.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of directors shall upon taking oath, elect one of their members as president of the board, and shall select some suitable person as secretary, who need not be a member of the board. The secretary shall serve as treasurer of the district, or the board may select a treasurer. The selection of the secretary and treasurer shall be evidenced on the minutes of the board, with their compensation. They shall serve at the pleasure of the board.

(2) The board shall adopt a seal, and shall keep in a wellbound book a record of all proceedings, minutes of meetings, certificates, contracts, bonds given by employes and all corporate acts, which shall be open to the inspection of any owner of property in the district as well as all other interested persons.

(3) The board of directors shall be the governing body of the sanitation district, and shall exercise all the powers and manage and control all the affairs and property of the district.

(4) The board of directors may prescribe the duties and fix the compensation of all the officers of the district, subject to the limits fixed in this section. No member of the board of directors, except the

chairman, shall receive more than twenty-four hundred dollars per annum. The chairman shall receive not more than six hundred dollars per annum in addition to his compensation as a director. The treasurer shall receive not more than nine hundred dollars and the secretary not more than three hundred dollars per annum.

(5) The board may adopt all necessary rules and regulations for the proper management and conduct of the business of the board and of the corporation, and for carrying into effect the other objects for which the district was formed. All such rules or regulations shall become effective only upon posting in at least ten public places within the district.

HB 136: AN ACT relating to city officials and employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 89.490 of the Kentucky Revised Statutes is amended to read as follows:

The mayor and each commissioner shall execute a bond upon which an action may be maintained by any person interested in the keeping of the covenants therein contained. The bonds shall be approved by the county judge and filed as matters of public record. In cities of the third class the bonds shall be in the penal sum of ten thousand dollars, and shall run to the city. In cities of the second and fourth classes the bonds shall be in a penal sum fixed by the county judge, and shall run to the Commonwealth. The board of commissioners shall require bonds with adequate surety, in such amounts as it may deem advisable, from any city employe whose duties, in the opinion of the board, require a bond for faithful performance. Premiums on bonds may, in the discretion of the board of commissioners, be paid by the city.

Section 2. Section 89.510 of the Kentucky Revised Statutes is amended to read as follows:

The mayor shall preside at meetings of the board of commissioners and perform such other duties consistent with his office as may be imposed by the board. He shall be recognized as the official head of the city for all purposes including the serving of civil process. In time of public danger or emergency he may, with the consent of the board of commissioners, take command of the police, maintain order and enforce the laws.

Section 3. Section 89.560 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of commissioners shall select and employ a city manager. He shall be selected solely on the basis of his executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or state. He shall be employed for an indefinite period, in cities of the second and fourth classes, or for a period not

exceeding four years in cities of the third class. He shall receive notwithstanding the provisions of KRS 64.480 to 64.760, as an employe such compensation as may be determined by the Board of Commissioners. During the absence or disability of the City Manager, the Board of Commissioners shall designate some properly qualified person to perform the duties of the City Manager.

(2) In cities of the second class the city manager shall be removable at will without cause by a majority of the board of commissioners.

(3) In cities of the third and fourth classes the city manager shall be removable at will by the board of commissioners, but removal shall not be effected by a reduction in his compensation. If removed at any time after having served for six months he may in writing demand written charges and a public hearing before the board of commissioners prior to the date on which his final removal shall take effect, but during the hearing the board of commissioners may suspend him from office. The public hearing shall be fixed by the board of commissioners not to exceed thirty days after demand therefor.

Section 4. Section 89.570 of the Kentucky Revised Statutes is amended to read as follows:

The city manager shall be the executive agent of the mayor and board of commissioners in the management of the city affairs. He shall be responsible to the board for the proper administration of all of the duties imposed upon the holder of the position of city manager. He shall, subject to the provisions of KRS 90.300 to 90.420 and 95.430 to 95.690, recommend to the Board persons to be appointed to the various positions in the classified service of the city and the board shall be the appointing authority provided, however, that the city manager may fill vacancies in the classified service pending the appointment by the board and may employ personnel for temporary positions subject to such conditions as may be imposed by the board. The members of the board of equilization shall be appointed by the board of commissioners. Except when the board is considering his removal, he may be present at all meetings of the board and its committees and take part in the discussion.

Section 5. Section 89.580 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of commissioners may upon the written advice of the city manager, create by ordinance such administrative departments as in the judgment of the board are reasonably required for the efficient, orderly and economical administration of the business affairs of the city. It may at any time create new departments, combine or abolish existing departments, or establish temporary departments. It may also prescribe by ordinance the functions of each department and

subject to the provisions of KRS 95.430 to 95.690 and 90.300 to 90.430 and such civil service regulations as may be deemed necessary for the efficient and nonpolitical handling of city affairs, provide for the appointment and removal of a director and the employes of each department.

(2) This section does not apply to the police and fire departments of a city of the second class, and organization under the city manager form of government shall not affect the laws relating to policemen's and firemen's pension funds in cities of the second class.

Section 6. Section 89.630 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be prepared and submitted, once each year, to the board of commissioners, a budget for the ensuing fiscal year based upon detailed estimates furnished by the several divisions of the city government according to a classification as nearly uniform as possible.

(2) The budget shall present the following information:

(a) An itemized statement of the appropriations recommended by the city manager for current expenses and for permanent improvements for each department and each division thereof for the ensuing fiscal year, with comparative statements in parallel columns of the appropriations and expenditures for the current and next preceding fiscal year, and the increases or decreases in the appropriations recommended.

(b) An itemized statement of the taxes required and of the estimated revenue of the city from all other sources for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next preceding fiscal years, and of the increases and decreases estimated or proposed.

(c) A statement of the financial condition of the city.

(d) Such other information as may be required by the board of commissioners.

(3) Copies of the budget shall be printed and available for distribution not later than two weeks after submission to the board of commissioners. A public hearing on the budgets shall be given by the board of commissioners or a committee of the board, before action is taken by the board.

Section 7. Section 89.640 of the Kentucky Revised Statutes is amended to read as follows:

The board of commissioners shall pass an annual appropriation ordinance based on the budget submitted by the city manager. The total amount of appropriations shall not exceed the estimated city revenues. Before the annual appropriation ordinance has been passed, the board of commissioners may make appropriations for the current department expenses, chargeable to the appropriations for the year when passed, in an amount sufficient to cover the necessary expenses of the various departments until the annual appropriation is in force. No other liabilities shall be incurred by any officer or employe of the city except in accordance with the provisions of the annual appropriation ordinance or under continuing contracts and loans authorized by this chapter. At any meeting after the passage of the appropriation ordinance, and after at least one week's notice, the board of commissioners may amend the ordinance so as to authorize the transfer of unused appropriations for one purpose to another purpose, and to appropriate available revenues not included in the annual budget.

Section 8. Section 89.660 of the Kentucky Revised Statutes is amended to read as follows:

The board of commissioners and any officer or board authorized by them, or either of them, may make investigations as to city affairs, subpoena witnesses, administer oaths and compel the production of books and papers.

Section 9. Section 90.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) The civil service commission shall prescribe and propound such examinations as may be proper, commensurate with vacant positions within the various departments of the city, according to classification prescribed by ordinance, shall set such times and places for holding examinations as may be proper and shall give public notice of examinations at least ten days in advance by causing a notice to be printed once in the official newspaper, containing all facts appertaining thereto.

(2) The civil service commission shall, as soon after examinations as is practicable, certify to the mayor or other appointing authority a list of the applicants so examined, with the one having the highest average ranked first and all others ranked numerically according to the result of the examination.

(3) Every soldier, sailor, marine, members of the air forces, Army Nurses Corps and members of other branches of the military services and Red Cross nurses who served during the period of hostilities between the United States and the Central Powers in World War I and between the United States and Japan and Germany in World War II, who has been honorably discharged, is a resident voter of the city and who is an applicant for any position of civil service of that city shall be entitled to five percent increase on his examination mark.

(4) The civil service commission of cities of the second class shall maintain an eligible list of not less than three for each position to be filled.

Section 10. Section 90.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) The mayor or other appointing authority, shall make all civil service appointments, and the appointments shall be made only from

the lists of applicants certified to him by the civil service commission after examination. Appointments shall be made only by the selection of one of the three holding the highest averages in the particular class and grade wherein the vacancy exists, except as provided in subsection (6) of this section.

(2) Whenever it is imperative to fill a vacancy in classified civil service before the commission can certify a list of as many as three persons eligible for appointment after competitive examination, the appointing authority shall nominate a competent person from the same class or next lower rank to the commission for noncompetitive examination, and if certified by the commission as qualified after the noncompetitive examination he may be appointed provisionally to fill the vacancy until an appointment can be made after competitive examination. This provisional appointment shall continue only until a regular appointment can be made from the eligible list prepared by the commission, which eligible list shall be prepared within thirty days after a vacancy occurs in cities of the second class, or within ninety days after vacancy in cities of the third class.

(3) In case of great emergency and when no one upon the eligible list or by promotion from a lower rank is available, an appointment may be made by the appointing authority without examination, but in no case shall such appointment continue longer than thirty days in cities of the second class, or sixty days in cities of the third class, and in no case shall successive appointments be made of the same person, or other persons, to such vacancy.

(4) Temporary appointments made necessary by reason of illness or disability of regular employes shall continue only during such period of disability.

(5) The death of an employe shall not authorize an appointment without examination in cities of the second class.

(6) Whenever, from any cause, there shall be a vacancy in any of the classified services, the employe in said classification ranking next highest in seniority, if he chooses, shall succeed to and fill said vacancy, unless upon charges made by the city that said employe is not qualified to fill said vacancy, and after notice and upon trial to determine his qualifications in the same manner as is now required for the dismissal, suspension or reduction in grade or pay of any employe, it be established by the city that said employe has not the necessary qualifications to enable him to discharge the duties of the office or position in which the said vacancy occurs. Provided that; in case of a vacancy in the classified service, where peculiar and exceptional qualifications of a particular professional or educational character are required, upon satisfactory evidence that for reasons stated in writing by the appointing authority, competitive examination in such case is impracticable; the commission may suspend the provisions requiring competitive examinations under civil service.

(7) Where the service to be rendered by an appointee in the classified service is for a temporary period not to exceed thirty days in cities of the second class, or sixty days in cities of the third class, and the need of such service is imperative, the appointing authority may select for that temporary service any person on the list of those eligible for permanent appointment. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his standing on the register for permanent employment; nor shall temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.

(8) No person shall be certified by the commission from an eligible list more than four times to the same appointing authority for the same or similar position.

Section 11. Section 90.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) No employe in the classified service of a city of the second or third class shall be dismissed, suspended or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law involving moral turpitude, or, in a city of the third class, violation of any rule adopted by the city legislative body or civil service commission.

(2) Any person may prefer charges in writing against any employe by filing them with the mayor or other appointing authority who shall communicate the charges without delay to the civil service commission of the city. The charges must be signed by the person making them and must set out clearly each charge. The appointing authority shall, whenever probable cause appears, prefer charges against any employe whom he believes guilty of conduct justifying his removal. Upon the filing of charges the clerk of the civil service commission shall notify its members and serve a copy of the charges upon the accused employe with a statement of the date, place and hour at which the hearing of charges will begin, this hearing not to be held within three days of the date of the service of charges upon the accused employe. The day on which the charges are served on the accused employe shall count as one of the days of notice. The person accused may in writing waive the service of charges and demand trial within three days after they have been filed with the clerk of the civil service commission.

(3) Upon the hearing the charges shall be considered traversed and put in issue, and the trial shall be limited to the issues presented by the written charges.

(4) The civil service commission shall have the power to summon and compel attendance of witnesses at all hearings by subpoena issued by the clerk of that body and served upon the witnesses by members

of the police department of the city or any officer authorized to serve subpoenas, and the civil service commission shall have the power of a justice of the peace to punish for contempt. The accused employe shall have the right to have subpoenaed any witnesses he may desire, upon furnishing their names to the clerk. As many as ten subpoenas may be served on the request of the accused employe without charge but each additional subpoena requested by him shall be issued by the clerk and served by the police department only upon payment of fifty cents to the city clerk by the employe. The action and decision of the civil service commission on the charges shall be reduced to writing and kept in a book for that purpose and the written charge shall be attached to the book containing the body's decision.

(5) In cases where the head of the department or the appointing authority has probable cause to believe an employe has been guilty of conduct justifying his removal or punishment he shall immediately suspend that employe from duty or from both pay and duty pending trial and the employe shall not be placed on duty or allowed pay thereafter until the charges are heard by the civil service commission.

(6) The civil service commission shall punish any employe found guilty by reprimand or a suspension for any length of time not to exceed six months, or by reducing the grade, if the employe's classification warrants, or by combining any two or more of these punishments, or by dismissal. No employe shall be reprimanded, removed, suspended or dismissed except as provided in this section.

Section 12. Section 95.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) In cities of the second and third classes the city legislative body shall control the police and fire departments and the property and equipment of the departments.

(2) The city legislative body may ordain and enforce rules for the government of the departments as it may deem expedient, prescribe the qualifications and duties of the members of each department, and grade the officers of each department.

(3) The city legislative body may appoint a chief of police and all policemen, and a chief of the fire department and all subordinates.

(4) The number of firemen, policemen, detectives and officers of the police and fire departments shall be such as the city legislative body may ordain.

(5) The city legislative body shall, by ordinance, fix the salaries of the members of the police and fire departments, provide for their payment, and for the payment of other expenses of the departments.

Section 13. Section 95.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) The city legislative body in cities of the second class shall, and the city legislative body in cities of the third class may, require

all applicants for appointment as members of the police or fire department to be examined as to their qualifications for office, including their knowledge of the English language and the law and rules governing the duties of the position applied for.

(2) Each member of the police or fire department in cities of the second and third classes shall be a qualified voter of the city, able to read, write and understand the English language, and have such other qualifications as may be prescribed. No person shall be appointed a member of the police or fire department unless he is a man of sobriety and integrity, and is and has been an orderly, law-abiding citizen. In a city of the second class no person shall be appointed a member of either of such departments if he is over fifty years of age.

(3) Members of the police and fire departments in cities of the second and third classes qualified under this section shall hold their positions during good behavior, except that the city legislative body may decrease the number of policemen or firemen as it may deem proper.

(4) If the city legislative body of a city of the second class decreases the number of policemen or firemen, the youngest members in point of service shall be the first to be released and returned to the eligible list of the department, there to advance according to the rules of the department.

Section 14. Section 95.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (5) of this section no member of the police or fire department in cities of the second and third classes shall be reprimanded, dismissed, suspended or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law or of the rules adopted by the city legislative body, and only after charges are preferred and a hearing conducted as provided in this section.

(2) Any person may prefer charges against a member of the police or fire department by filing them with the clerk of the city legislative body who shall immediately communicate the same to the legislative body. The mayor shall, whenever probable cause appears, prefer charges against any member whom he believes guilty of conduct justifying his dismissal or punishment. The charges shall be written and shall set out clearly the charges made.

(3) Upon the hearing all charges shall be considered traversed and put in issue, and the trial shall be confined to matters related to the issues presented. Within three days after the charges have been filed with the city legislative body, that body shall proceed to hear the charges. At least two days before the hearing the member accused shall be served with a copy of the charges and a statement of the day, place and hour at which the hearing of the charges will begin. The person accused may, in writing, waive the service of charges and

demand trial within three days after the charges are filed with the clerk.

(4) The city legislative body may summon and compel attendance of witnesses at hearings by subpoena issued by the clerk of that body and served upon the witnesses by any officer authorized to serve court subpoenas, and the body shall have the power of a justice of the peace to punish for contempt. The member accused may have subpoenaed any witness he may desire, upon furnishing their names to the clerk. The action and decision of the body on the charges shall be reduced to writing and entered in a book kept for that purpose, and the written charges filed in the matter shall be attached to the book containing the decision.

(5) When the appointing authority or the head of the department has probable cause to believe a member of the police or fire department has been guilty of conduct justifying dismissal or punishment, he or it may suspend the member from duty or from both pay and duty, pending trial, and the member shall not be placed on duty, or allowed pay, until the charges are heard.

(6) The city legislative body shall fix the punishment of a member of the police or fire department found guilty, by a reprimand, suspension for any length of time not to exceed six months, by reducing the grade if the accused is an officer, or by combining any two or more of those punishments, or by dismissal from the service.

The Committee on Municipalities reported **HB 154**, with the expression of opinion that the same should pass with amendment. Read at length for the first time and ordered placed in the Calendar.

HB 154: AN ACT relating to annexation or reduction of territory by sixth-class cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 81.240 of the Kentucky Revised Statutes is amended to read as follows:

Any city of the sixth class may annex any territory to the city or reduce the boundaries of the city, in the same manner and under the same procedure as is provided in KRS 81.100 and 81.110 for annexation of unincorporated territory or reduction of boundaries by cities of the first class, with the following exceptions:

(1) The ordinance proposing annexation or reduction of territory shall be published in at least one issue of the daily newspaper for at least four consecutive weeks published in and having the largest circulation in the city, or in at least four issues of a weekly paper published in and having the largest circulation in the city, or copies of the ordinance shall be posted for at least ten days in four of the most public places in the city.

(2) The proceedings in the circuit court shall be tried accord-

ing to the practice prescribed for the trial of equity cases, without the intervention of a jury.

Representative Morgan moved that **HB 154** be amended as follows: "Amend printed copy of HB 154 on page 2, section 1, line 14 and 15 by striking out the words 'or copies of the ordinance shall be posted for at least ten days in four of the most public places in the city.' and by inserting the following Paragraph: 'If there is no daily or weekly paper published in the city, copies of the ordinance shall be posted for at least ten days in four of the most public places in the city'." Agreed.

Report of Committees

The Committee on Education reported **HR 5** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 5: A JOINT RESOLUTION naming Lowell Allen Williams as Poet Laureate of Kentucky.

WHEREAS, there is a vacancy in the position of Poet Laureate of Kentucky; and

WHEREAS, Lowell Allen Williams, a resident of Cunningham, Carlisle County, Kentucky, has for more than twenty years been writing poetry of such merit as to gain for him several prizes in poetry contests; and

WHEREAS, Lowell Allen Williams has achieved great distinction by having numerous volumes of his work published, by having numerous poems published in national newspapers and magazines, and broadcast over the radio; and

WHEREAS, Lowell Allen Williams has achieved great distinction by receiving the enthusiastic recognition of many fellow poets and writers, including Edgar A. Guest, the nationally famous poet, Honorable Alben W. Barkley, Charles B. Driscoll, Fred G. Neuman and other writers of note; and

WHEREAS, Lowell Allen Williams has been writing of Kentucky, its people and customs for twenty years; and by his poetic works has shown his warm understanding and appreciation of Kentucky and its people;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Lowell Allen Williams is hereby declared to be Poet Laureate of Kentucky and that he is privileged to enjoy all the honors incidental thereto. It is expressly understood, however, that this declaration of distinction is an honorary one only and bears with it no financial obligations upon the Commonwealth of Kentucky.

Section 2. That the Secretary of State be, and she hereby is directed to forward a copy of this resolution, properly attested under the Seal of the Commonwealth of Kentucky, and a suitable commission, also properly attested, to Lowell Allen Williams declaring him to be Poet Laureate of Kentucky.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 40, HB 42** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day

HB 71 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed.

Representative McCallum moved to amend **HB 71** as follows: "Amend printed copy of HB 71, on page 3, section 2, line 52 substituting the word 'agency' in lieu of the word 'agenty'." Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 78—Anderson, Bates, Baumgardner, Beshear, Billington, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Davidson, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hilton, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Martin, McFadden, McKinney, Melton, Miller, Moore, Morgan, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Sloan, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, Wilson Young. Nays 2—Mullins, Weintraub. **HB 71** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 72 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed.

Representative Ockerman moved to amend **HB 72** as follows:

Amendment 1. "Amend printed copy of House Bill No. 72 on page 2, section 4, line 2 by striking the word 'shall' and inserting the word 'may'."

Amendment 2. "Amend printed copy of House Bill No. 72 on page 2, section 4 line 7 by striking the word 'shall'; and inserting the word 'may'."

Amendment 3. "Amend printed copy of House Bill No. 72 on page 3, section 6, line 2 by inserting immediately after the word 'class' the following words, 'electing to operate under this Act'."

Representative Ockerman moved adoption of all three Amendments, seconded by Representative Burnley. Adopted.

HB 72 as amended read at length a third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 81—Anderson, Bates, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Day, Dunsil, Embry, Farmer, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Hilton, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Mullins, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Young. Nays 0. **HB 72** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 106 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed. Read at length for the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 76—Anderson, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Davidson, Davis, Dunsil, Embry, Everett, Farmer, Freeman-Greene, Griffin, Grigsby, Gullette, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C .S. Howard, Isler, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Ockerman, Parrish, Pollitte, Qualls, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Williamson, Wilson, Young. Nays 3—Day, D. W. Howard, Peace. **HB 106** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 108 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed. Read at length a third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 80—Anderson, Bates, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Embry, Everett, Farmer, Flanery, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Johnson, Lowman, Mackey, Martin, McCallum, McKinney, Melton, Miller, Moore, Morgan, Mullins, Nunn, Ockerman, Parrish, Pollitte, Qualls, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 2—Lambert, Peace. **HB 108** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 114 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed.

Representative Morgan moved to amend **HB 114** as follows: "Amend printed copy of HB 114 on page 1, section 1, line 12 by substituting the word 'grant' in lieu of th word 'grand'." Adopted.

Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 79—Anderson, Baumgardner, Beshear, Billington, Blankenship, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Embry, Everett, Farmer, Flanery, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, C. S. Howard, D. W. Howard, Isler, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Thomas, alsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch. Nays 0. **HB 114** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 119 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed. Read at length the third time. Representative Lowman moved the Previous Question. Agreed.

On roll call, the vote was yeas 79—Anderson, Baumgardner, Beshear, Billington, Blankenship, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Caudill, Cornett, Cottengim, Day, Dunsil, Embry, Everett, Farmer, Flaney, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, C. S. Howard, Isler, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Walsh, Wathen, Weintraub, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 119** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 70 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 80—Anderson, Baumgardner, Beshear, Billington, Blankenship, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, C. S. Howard, Isler, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 1—D. W. Howard. **HB 70** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 126 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed.

Representative Breathitt moved to amend **HB 126** as follows:

Amendment 1. "Amend printed copy of House Bill No. 126 on page 2, section 1, line 15, by adding after the word 'one' the word day'." Adopted.

Amendment 2. "Amend printed copy of House Bill No. 126 on page 2, section 1, line 26 by adding after the word 'one' the word 'day'." Adopted.

HB 126, with amendments, read at length a third time. Representative Breathitt moved the Previous Question. Agreed.

On roll call, the vote was yeas 84—Anderson, Bates, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Hadden, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hislope, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 0. **HB 126** was passed and the title agreed to.

HB 110 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed. Read at length the third time. Representative Davidson moved the Previous Question. Agreed.

On roll call, the vote was yeas 72—Anderson, Bates, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Carter, Casey, Conrad, Cottengim, Davidson, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Harris, Hawkins, Heskamp, Heyburn, Highland, Hilton, Hislope, Isler, Jennings, Kubale, Lambert, Lowman, Mackey, Martin, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Sloan, Stith, Thompson, alsh, Wathen Weintraub, A. W. Wells, Williamson, Wirsch, Young. Nays 1—Hill. **HB 110** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Senate Message

Senate Message announcing passage of **SR 24** read by Clerk.

HB 8 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed.

Representative Day moved adoption of the committee substitute. Seconded by Representative Morgan. Agreed.

Representative Newsom moved to amend committee substitute as follows: "Amend printed copy of substitute for HB 8 on page 2, subsection 3, line 28, by deleting word 'January' and substituting therefor the word 'July'." Rejected.

Representative Mullins moved to amend the committee substitute as follows: "Amend printed copy of House Bill 8 (Substitute) on page 1, section 1, line 5, insert after the word salesmen in line 5 the words 'in any city of the first, second, or third class'." Rejected. Read at length a third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 64—Bates, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Day, Dunsil, Embry, Everett, Farmer, Flanery, Grigsby, Hahn, Harris, Heskamp, Heyburn, Highland, Hill, Hislope, Holsclaw, Isler, Jennings, Johnson, Kubale, Mackey, McCallum, Morgan, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Sloan, Stith, Thomas, Thompson, Walsh, Weintraub, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 6—Hawkins, Hilton, C. S. Howard, McKinney, Mullins, Saylor. Committee Substitute for **HB** 8 was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved adoption of **SR 5.** Adopted.

SR 5, A JOINT RESOLUTION memorializing the Congress of the United States to provide Federal funds for education.

WHEREAS, the future of the American way of life with its multitude of benefits to the people of our country depends upon the proper education of the youth of the land; and

WHEREAS, the national security and defense of the nation and the health and welfare of our people will be enhanced by increased emphasis on education,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky

Section I. That the General Assembly of the Commonwealth of Kentucky in regular session assembled hereby petitions and memorialises the Congress of the United States to appropriate Federal funds in an amount adequate to provide for a sound educational program for every boy and girl in the United States.

Section 2. That the Congress of the United States is hereby urgently requested to provide Federal funds to meet the emergency conditions that now exist in Kentucky and in many other states which cannot themselves finance the full cost of sufficient programs to meet their educational needs.

Section 3. That the Senators and Representatives in the Congress of the United States from Kentucky are urged to support legislation to accomplish the foregoing.

Section 4. That copies of this memorial, duly authenticated, be sent by the Clerk of the Senate to the President and the Chief Clerk of the Senate of the United States, the United States Senators from

Kentucky, the Speaker and the Chief Clerk of the House of Representatives of the United States, and the Representatives in Congress from Kentucky.

Representative Morgan moved adoption of **SR 7.** Adopted.

SR 7, A CONCURRENT RESOLUTION requesting and petitioning the United States Congress to take immediate action on legislation designed to establish for America a modern highway system.

WHEREAS, our present road system is entirely inadequate to serve the needs of our growing peace time economy; and

WHEREAS, if war should come to our nation the existing deficiencies of our road system would surely be of great hindrance to the defense of our country and might well cost us our national life; and

WHEREAS, the present killing of more than 36,000 human beings and the injuring of over a million people each year on our highways creates a national emergency which demands immediate alleviating action;

NOW THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the General Assembly of the Commonwealth of Kentucky in regular session assembled, the Senate and House concurring, requests and petitions the 84th Congress of the United States to take immediate action on legislation which will establish for America a modern system of highways adequate to serve the needs of our growing economy during times of peace and to insure the successful defense of our nation and our citizens in the event war should come to us.

Section 2. That the Senators and Representatives of Kentucky in the 84th Congress are urged to expedite enactment of legislation designed to accomplish the foregoing.

Section 3. That copies of this petition, duly authenticated, be sent by the Clerk of the Kentucky Senate to the President and Chief Clerk of the Senate of the United States, the United States Senators from Kentucky, the Speaker and Chief Clerk of the House of Representatives of the United States, and the Representatives in Congress from Kentucky.

Representative Morgan moved adoption of **SR 11.** Adopted.

SR 11, A CONCURRENT RESOLUTION providing for an investigation into the condition of the Mansion; providing for a committee to make such investigation and prescribing its duties.

WHEREAS, it has come to the attention of the General Assembly that the Mansion is in a deplorable state of disrepair; that the carpeting and furniture therein is faded and worn; that the fixtures therein likewise is in a need of attention, and that there is an immediate need for repairing and decorating the interior thereof.

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. The Speaker of the House of Representatives and the President of the Senate shall, upon the passage and approval of this resolution, forthwith appoint a joint committee to be composed of four members of the House of Representatives to be appointed by the Speaker and three members of the Senate to be appointed by the President. The Speaker of the House of Representatives shall appoint as members of the joint committee three members of the majority party and one member of the minority party. The President of the Senate shall appoint as members of the joint committee two members of the majority party and one member of the minority party. The committee appointed hereunder shall constitute a committee of the General Assembly. The President of the Senate shall designate the chairman of this committee.

Section 2. The committee is hereby authorized, empowered and directed to investigate fully the condition of the Executive Mansion, its carpeting, furniture and appliances, as well as the need of immediate interior decorating to be made.

Section 3. The committee shall proceed as rapidly as possible with its investigation as outlined in Section 2 hereof and make a report of its findings to the General Assembly. The committee shall include in its report the amount of appropriation necessary to refurbish and to purchase appropriate furniture for the Executive Mansion.

Section 4. Whereas, it is essential that the investigation provided for in this resolution be made forthwith in order that the present General Assembly may take such legislative action as may be necessary or desirable for the benefit of the Commonwealth, an emergency is declared to exist and this resolution shall take effect upon its passage and approval by the Governor.

Representative Morgan moved to appoint a Committee of five to call on the Commissioner of State Police to secure adequate parking facilities for legislators. Agreed. The Speaker appointed the following Representatives to said Committee: Morgan, Breathitt, Lowman, Lambert and Harris.

Reference of Bills and Resolutions

The Speaker announced referral of the following bills and resolutions:

Education: **HB 183, HB 186, HB 195, HB 196, HB 215**

Judiciary: **HB 184, HB 201, HB 203, HB 205, HB 209, HB 219, HB 222, HB 226, HB 227**

Health and Welfare: **HB 185, HB 189, HB 213, HB 217**

Suffrage, Elections and Const. Amend.: **HB 187, HB 197**

Transportation and Highways: **HB 188, HB 208, HB 210**

State and County Govt.: **HB 190, HB 193, HB 198, HB 199, HB 200, HB 191**

Banking and Insurance:**HB 192, HB 194, HB 204**

Conservation: **HB 202, HB 206, HB 207**

Ways and Means: **HB 211, HB 212, HB 216, HB 218, HB 220, HB 221, HB 223, HB 224, HB 225, HB 255, HR 19, HR 20**

Municipalities: **HB 214**

Introduction of Bills and Resolutions

HB 228, by Representative Wathen, AN ACT relating to damages arising out of ownership, maintenance or use of motor vehicles in certain cases.

HB 229, by Representatives Cottengim, Isler, AN ACT creating county civil service commissions.

HB 230, by Representative C. S. Howard, AN ACT proposing to amend the Constitution of the Commonwealth of Kentucky to change the times for the election of public officers so as to reduce the number of elections to be held in the Commonwealth of Kentucky, and to fix the times for the meetings of the General Assembly made necessary by the changes in the times of the elections of the members thereof.

HB 231, by Representatives Cottengim, Isler, AN ACT to provide for the mediation of disputes and grievances between cities of the second clas sas an employer and its employes, etc.

HB 232, by Representative Gullette, AN ACT relating to jurisdiction of courts in civil offenses.

HB 233, by Representative Breckinridge, AN ACT relating to the organization of county children's bureaus.

HB 234, by Representative Sloan, AN ACT relating to the prohibition of communistic literature from institutions of learning.

HB 235, by Representative Blankenship, AN ACT proposing an amendment to Section 234 of the Constitution, relating to the residence and place of office of public officers.

HB 236, by Representative Isler, AN ACT relating to motor vehicles.

HB 237, by Representatives C. S. Howard, Hawkins, Blankenship, Qualls, McFadden, Hahn, D. W. Howard, Carter, Stith, J. B. Reed, Ockerman, Hilton, Hinkle, McKinney, Pollitte, A. W. Wells, Vernon Reed, Nunn, AN ACT relating to motor vehicles.

HB 238, by Representatives Grundy, Heskamp, AN ACT relating to gasoline tax.

HB 239, by Representative Cornett, AN ACT relating to county buildings and the financing thereof.

HB 240, by Representatives Weintraub, Hinkle, AN ACT relating to urban renewal projects and planning, and declaring an emergency.

HB 241, by Representatives Hislope, Bates, AN ACT relating to offenses against property by force.

HB 242, by Representative Buchanan, AN ACT relating to Workmen's Compensation.

HB 243, by Representative Buchanan, AN ACT relating to Workmen's Compensation.

HB 244, by Representatives Thomas, Qualls, Conrad, Hahn, Parrish, Blue, AN ACT relating to the sale, gift or delivery of alcoholic beverages to any persons of less than eighteen years, and the penalty therefor.

HB 245, by Representatives Thomas, H. V. Reid, Hahn, Hinkle, Bush, Qualls, Conrad, Blue, Gay, AN ACT relating to public printing.

HB 246, by Representatives Newsom, J. B. Reed, AN ACT relating to Workmen's Compensation.

HB 247, by Representatives C. S. Howard, Embry, AN ACT relating to circuit courts.

HB 248, by Representative Lowman, AN ACT relating to circuit court clerks.

HB 249, by Representative Lowman, AN ACT relating to traffic regulations.

HB 250, by Representatives Cottengim, Isler, AN ACT relating to the sale of alcoholic beverages and malt beverages.

HB 251, by Representatives Burnley, Cottengim, Davidson, Weintraub, Wirsch, Murphy, Hilton, AN ACT relating to city police in cities of the second class.

HB 252, by Representatives Breathitt, Heyburn, Caudill, Ockerman, AN ACT relating to the descent of real estate.

HB 253, by Representative Hinkle, AN ACT relating to tobacco and amending Section 248.290 of the Kentucky Revised Statutes.

HB 254, by Representatives Harris, Hadden, A. W. Wells, AN ACT relating to registration and licensing of the termite and pest control industry and amending sections 249.300, 249.320, 249.330 and 249.990 of the Kentucky Revised Statutes.

HB 255, by Representatives Holsclaw, Bridgers, AN ACT relating to instalment sales contracts of motor vehicles.

HB 256, by Representatives Conrad, Vernon Reed, Hawkins, Caudill, Blue, Billington, McKinney, Grundy, AN ACT relating to local option elections with respect to the sale, barter or loan of alcoholic beverages.

HB 257, by Representative Ray, AN ACT relating to metropolitan sewer districts and the construction and maintenance of facilities for surface drainage at cost of benefitted property in counties containing such districts.

HB 258, by Representative Ray, AN ACT relating to metropolitan sewer districts and the construction of sanitary sewers at cost of benefitted property in such district within the boundaries of a city of the first class.

HB 259, by Representative Ray, AN ACT relating to the construction of statutes.

HB 260, by Representative Ray, AN ACT relating to metropolitan sewer districts and the approval, disapproval or revising of plans and designs for sanitary sewer and/or stormwater drainage projects.

HB 261, by Representative Harris, AN ACT relating to Workmen's Compensation.

HB 262, by Representative Blue, AN ACT relating to insurance solicitors and amending Subsection 2 of Section 304.534 of the Kentucky Revised Statutes.

HB 263, by Representatives Lowman, Weintraub, AN ACT relating to regional planning.

HB 264, by Representative Davidson, AN ACT relating to the practice of Optometry and amending Sections 320.210, 320.220, 320.280, and 320.300 of the Kentucky Revised Statutes.

HB 265, by Representatives Hill, Martin, AN ACT relating to administrative boards and commissions.

HB 266, by Representatives Hill, Newsom, Martin, AN ACT relating to Auditor of Public Accounts.

HB 267, by Representative Billington, AN ACT relating to banks and banking.

HB 268, by Representative Billington, AN ACT relating to banks and banking.

HB 269, by Representative Billington, AN ACT relating to the collection, payment and dishonor of demand items by banks and the revocation of credit for, and payment of, such items.

HB 270, by Representative Kubale, AN ACT relating to traffic regulation.

HB 271, by Representative Thomas, AN ACT relating to members of police departments of cities of the third and fourth class.

HB 272, by Representative Thomas, AN ACT relating to petty loan companies.

HB 273, by Representative Cottengim, AN ACT relating to employment.

HB 274, by Representative Cottengim, AN ACT relating to industrial safety.

HB 275, by Representative Heyburn, AN ACT relating to corporations.

HB 276, by Representative Ray, AN ACT relating to limited partnerships, repealing Section 362.050 of the Kentucky Revised Statutes.

HR 22, by Representative Rayburn, A JOINT RESOLUTION authorizing James Daniel Chancey, Louisville, Kentucky, to sue the Commonwealth of Kentucky.

HR 23, by Representative Day, A CONCURRENT RESOLUTION providing for study by the Department of Highways regarding the establishing of a highway atop the proposed Markland Dam.

HR 24, by Representative Breckinridge, A JOINT RESOLUTION providing for a study and report on the question of establishing city and county governmental authority over, and responsibility for, purely local problems, and relieving the General Assembly of such duties.

Representative Morgan moved to adjourn until 1 P.M., Wednesday, January 25. Agreed.

WEDNESDAY, JANUARY 25, 1956

NINETEENTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Carter Roberts, Church of the Nazarene, Frankfort.

Roll Call showed all present except Anderson, Barnum, Carter, Casey, Embry, Hawkins, Highland, Lambert, Murphy, Nunnelley, Ratcliffe, Rayburn, Searcy, Tinsley, Wilson, who were granted leave of absence on motion of Representative Morgan.

Representative Isler moved that reading of January 24 Journal be dispensed with and that same be approved. Agreed.

Report of Committees

The Committee on Ways and Means reported **HB 255** with the expression of opinion that the same should pass. Read at length for first time and ordered placed in the Calendar.

HB 255, AN ACT relating to installment sales contracts of motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context or subject matter otherwise requires:

(1) "Person" means an individual, partnership, corporation, association, and any other group however organized.

(2) "Retail Installment Sale" means any sale for other than business or commercial use evidenced by a retail installment contract wherein retail buyer agrees to buy and retail seller agrees to sell a motor vehicle at a time sale price payable in two or more installments. The cash sale price of the motor vehicle, the amount, if any, included for insurance and other benefits, official fees and the finance charge, shall together constitute the time sale price.

(3) "Retail Installment Contract" means any agreement, entered into in this State, evidencing a retail installment sale of a motor vehicle, other than for the purpose of resale, pursuant to which title to, or a lien upon the motor vehicle is retained by the retail seller as security for the retail buyer's obligation. This term includes a mortgage, conditional sale contract or any contract for the bailment or leasing of a motor vehicle by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to the time sale price of the motor vehicle and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of such motor vehicle.

(4) "Motor Vehicle" means any device with a cash sale price of five thousand dollars or less, in, upon, or by which any person or

property is, or may be transported or drawn upon a highway. The term does not include self-propelled wheelchairs and invalid tricycles, tractors, power shovels, road machinery, implements of husbandry and other agricultural machinery, or other machinery not designed primarily for highway transportation but which may incidentally transport persons or property on a highway, or devices which move upon or are guided by a track, or travel through the air.

(5) "Retail Seller" or "Seller" means a person who sells or agrees to sell a motor vehicle under a retail installment contract to a retail buyer.

(6) "Retail Buyer" or "Buyer" means a person who buys or agrees to buy a motor vehicle from a retail seller not for the purpose of resale and who executes a retail installment contract in connection therewith.

(7) "Sales Finance Company" means a person engaged in the business of creating and holding or purchasing or acquiring retail installment contracts from a retail seller. The term includes a bank, trust company, private banker, industrial bank, investment company, or national bank, if so engaged.

(8) "Cash Sale Price" means the price at which the seller would in good faith sell to the buyer, and the buyer would in good faith buy from the seller, the motor vehicle which is the subject matter of the retail installment contract, if such sale were a sale for cash, instead of a retail installment sale. The cash sale price may include any taxes, registration fees, certificate of title fees, if any, license fees, charges for delivery, servicing, repairing, or improving the motor vehicle, including accessories and their installation.

(9) "Official Fees" means the fees prescribed by law for filing, recording or otherwise perfecting and releasing or satisfying a retained title or a lien created by a retail installment contract.

(10) "Finance Charge" means that part of the time sale price by which it exceeds the aggregate of the cash sale price, the amount, if any, included for insurance and other benefits and official fees included in the retail installment sale.

(11) Words in the singular include the plural and vice versa.

Section 2. (1) (a) Every retail installment contract shall be in writing in at least eight point type, shall contain all the agreements of the parties, shall be signed by the retail buyer, and a copy thereof shall be furnished to such retail buyer at the time of the execution of the contract.

(b) No provision of a retail installment contract which purports to provide for the inclusion of title to or a lien upon any goods other than the motor vehicle, accessories and special or auxiliary equipment used in connection therewith which either are the subject of the retail installment sale or are substitution in whole or in part therefor, as security for payment of such time sale price shall be valid or enforceable; but the other provisions of the retail installment contract shall not be affected thereby.

(c) No provisions for confession of judgment, power of attorney therefor, or wage assignment contained in any retail installment contract shall be valid or enforceable.

(d) The holder of a retail installment contract may collect a delinquency and collection charge on each installment in arrears for a period not less than ten days in an amount not in excess of five percent of each installment or five dollars, whichever is the less. In addition to such delinquency and collection charge, the retail installment contract may provide for the payment of attorneys' fees not exceeding fifteen percent of the amount due and payable under such contract where such contract is referred to an attorney not a salaried employe of the holder of the contract for collection, plus the court costs.

(e) Unless notice has been given to the retail buyer of actual or intended assignment of a retail installment contract, payment thereunder or tender thereof made by the retail buyer to the last known holder of such contract shall be binding upon all subsequent holders or assignees.

(f) Upon written request from the retail buyer, the holder of the retail installment contract shall give or forward to the retail buyer a written statement of the dates and amounts of payments and the total amount unpaid under such contract. A retail buyer shall be given a written receipt for any payment when made in cash.

(2) The retail installment contract shall contain the following items:

(a) The cash sale price of the motor vehicle which is the subject matter of the retail installment sale;

(b) The amount of the retail buyers' down payment, whether made in money or goods, or partly in money or partly in goods;

(c) The difference between items (a) and (b);

(d) 1. Amount, if any included for insurance and other benefits;

2. Types of coverage and benefits;

(e) Official fees as defined in Section 1;

(f) Principal balance, which is the sum of item (c), item (d), and Item (e);

(g) The amount of the finance charge;

(h) The time balance payable by the retail buyer to the retail seller, the number of installment payments required and the amount of each installment expressed in dollars or percentages, and date of each payment necessary finally to pay the time balance which is the sum of item (f) and item (g);

Provided, however, that said items (a) to (h) inclusive need not be stated in the sequence or order set forth above and that additional items may be included which serve to explain the calculations involved in determining the stated time balance to be paid by the retail buyer.

(3) The retail installment contract shall contain a definite statement in twelve point bold type or larger, that the insurance, if any, included in the retail installment sale provides or does not provide coverage for personal liability and property damage caused to others, as the case may be.

(4) The amount, if any, included for insurance, shall not exceed the premiums chargeable in accordance with applicable rate filings made with the Commissioner of Insurance. Every retail seller or sales finance company, if insurance on the motor vehicle is included in a retail installment contract shall within thirty days after execution of the retail installment contract send or cause to be sent to the retail buyer a policy or policies or certificate of insurance, which insurance shall be written by a company authorized to do business in this state, clearly setting forth the amount of the premium, the kind or kinds of insurance and the scope of the coverage and all the terms, exceptions, limitations, restrictions and conditions of the contract or contracts of the insurance. The buyer of a motor vehicle under a retail installment contract shall have the privilege of purchasing such insurance from an agent or broker of his own selection and of selecting an insurance company acceptable to the seller; provided, however, that the inclusion of the insurance premium in the retail installment contract when the buyer selects the agent, broker or company, shall be optional with the seller.

If any such policy is cancelled, the unearned insurance premium refund received by the holder of the contract shall be credited to the final maturing installments of the retail installment contract.

(5) Any sales finance company hereunder may purchase or acquire from any retail seller any retail installment contract on such terms and conditions as may be agreed upon between them. No filing of the assignment, no notice to the retail buyer of the assignment, and no requirement that the retail seller shall be deprived of dominion over the payments thereunder or the goods covered thereby if repossessed by the retail seller shall be necessary to the validity of a written assignmnt of a retail installment contract as against creditors, subsequent purchasers, pledgees, mortgagees and lien claimants of the retail seller.

(6) An acknowledgement in the body of the retail installment contract by the retail buyer of the delivery of a copy thereof shall be conclusive proof of delivery in any action or proceeding by or against any assignee of a retail installment contract.

Section 3. (1) The finance charge in a retail installment sale shall not exceed the following rates:

Class 1. Any new motor vehicle designated by the manufacturer by a year model not earlier than the year in which the sale is made—$7 per $100.

Class 2. Any new motor vehicle not in Class 1 and any used motor vehicle designated by the manufacturer by a year model of the same or two years prior to the year in which the sale is made—$10 per $100.

Class 3. Any used motor vehicle not in Class 2 and designated by the manufacturer by a year model not more than four years prior to the year in which the sale is made—$13 per $100.

Class 4. Any used motor vehicle not in Class 2 or Class 3 and designated by the manufacturer by a year model more than four years prior to the year in which the sale is made—$15 per $100.

(2) Such finance charge shall be computed on the principal balance as determined under Section 2 (2) of this Act on contracts payable in successive monthly payments substantially equal in amount extending for a period of one year. On contracts providing for installment payments extending for a period less than or greater than one year, the finance charge shall be computed proportionately.

(3) When a retail installment contract provides for unequal or irregular installment payments, the finance charge shall be at the effective rate provided in subsection (1) hereof, having due regard for the schedule of payment.

Section 4. Notwithstanding the provisions of any retail installment contract to the contrary, any retail buyer may pay in full at any time before maturity the debt of any retail installment contract and in so paying such debt shall receive a refund credit thereon for such anticipation of payments. The amount of such refund shall represent at least as great a proportion of the finance charge after first deducting from such finance charge an acquisition cost of twenty-five dollars, as the sum of the periodic time balances after the month in which payment is made, bears to the sum of all the periodic time balances under the schedule of payments in the original contract.

Where the amount of the credit for anticipation of payment is less than one dollar, no refund need be made.

Section 5. The holder of a retail installment contract may, upon agreement with the retail buyer, extend the scheduled due date, defer the scheduled payment of all or part of any installment payment or payments, or renew the balance of such contract. In any such case the holder may restate the amount of the installments and the time schedule therefor, and collect as a refinance charge for such extension, deferment or renewal, a flat service fee not to exceed five dollars and a total additional charge not exceeding an amount equal to one percent per month simple interest on the respective descending balances computed from the date of such extension, deferment or renewal.

Section 6. (1) Any person who shall wilfully and intentionally violate any provision of this Act or engaged in the business of a sales finance company in this State without a license therefor as provided in this Act, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding five hundred dollars.

(2) A wilful violation of Sections 2 or 3 of this Act by any person shall bar his recovery of any finance charge, delinquency or collection charge on the retail installment contract involved.

Section 7. If any provision of this Act or the application thereof to any person or circumstances is held unconstitutional, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 8. This Act may be cited as "The Motor Vehicle Retail Installment Sales Act."

Section 9. This Act shall take effect July 1, 1956.

The Committee on State and County Government reported **HB 165** with the expression of opinion that the same should pass. Read at length for first time and ordered placed in the Calendar.

HB 165: AN ACT permitting the creation of and providing for a system of pensions and benefits for retired and disabled policemen and for the dependents of retired disabled and deceased members of the police department in any county maintaining an organized police department and authorizing the appropriation of funds for the purpose of funding a police pension system and creating a pension board and defining its powers and duties and authorizing such counties to assess and collect contributions for the purpose of a pension system from the members of the police department.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1: DEFINITIONS. As used in this act, the following words and terms shall have the following meanings:

(a) "County" means a county maintaining an organized police force.

(b) "Employee" means any person employed by the Fiscal Court of the county in the police department, including those holding an administrative or directorial position in said department. In any county which shall have adopted a Merit System for its police department under the provisions of Chapter 78, Kentucky Revised Statutes, employee shall mean any person in the classified service of said police department having such merit system.

(c) "Patrolmen" are any persons who are employed as police officers by the County Court in any county wherein the provisions of this act are effective.

(d) "Trustees" shall mean a Board of Pension Fund Trustees as established under the provisions of this Act.

(e) "Pension Fund" shall mean the monies derived from the police officers and employees affected by the provisions of this Act, together with funds appropriated by the Fiscal Court of any county adopting the provisions of this Act, and any other sums derived from whatever sources, by gift or otherwise, to be used for the retirement and payment of benefits of police officers or their dependents, to be paid to police officers and employees of the police department after the prescribed number of years of service and for the benefit of disabled patrolmen and for the benefit of their widows and dependent children in case of death of a police officer or employee within the scope of his employment.

Section 2. The Fiscal Court of any county maintaining an organized police force may enact or adopt orders and or resolutions creating a system of pensions for retired, disabled or decreased members of the police department and their dependents and for the purpose of providing necessary funds for such a pension system, said Fiscal Court may appropriate funds for the purpose of paying such pensions or for the payment of premiums for an insurance or annuity contract which will pay such pensions, as set out hereinafter. Said Fiscal Court may allot and pay to such pension fund or on any pension insurance contract all fines or forfeitures imposed upon members of the department and may further provide for, assess and collect contributions from the members of the department for the benefit of the pension fund, or to apply upon the payment of premiums upon an annuity or insurance pension contract. In every case a Fiscal Court adopting the provisions of this Act shall require a reasonable contribution from each member of the department participating in the pension system.

Section 3: Any pension fund established under the provisions of this Act, and any proceeds payable upon any contract of insurance or annuity entered into for the purpose of funding a pension system shall be held and distributed for the purpose of paying pensions or benefits only, except that the governing body of the fund may annually expend from the appropriations set forth herein above the reasonably necessary expenses connected with the pension system, including, but not limited to, expenses for medical, actuarial, accounting and legal services and administrative costs, such amount as the governing body deems proper.

Section 4: Any county which shall determine in the manner provided by Section 2, to establish a pension fund for police officers, shall establish for the management, government and conduct of the pension fund a Board, to be known as The Board of Trustees of the Police Pension Fund, which Board shall be composed of the Chief of County Police, or the Assistant Chief of County Police, who shall be eligible for participation in the fund as all other employees, two members of the Police Department of the rank of Patrolman, who shall be elected annually by the officers and employees of the Department, and two citizens who shall be appointed by the County Judge, each of who shall be at least thirty years of age, a resident of the county affected and not related by blood or marriage to either the County Judge, or any member of the Fiscal Court or any member of the Police Department, and each of whom shall be appointed for a term of three years and shall be members of different political parties. The compensation of the civilian members of the Board may be fixed and paid by the Fiscal Court in its discretion.

Section 5: In the event the Fiscal Court determines to adopt a pension system funded by an investment trust rather than enter into an insurance annuity contract or authorize the pension Board to do so, then the said Board of Trustees shall have exclusive and complete management of said fund and all monies donated or appropriated thereto or assessed against any members of the department for the benefit of the pension fund and shall disperse the funds and invest them in such manner as will provide the maximum benefits for the affected officers consistent with sound business practice.

Section 6: The Board of Trustees shall promulgate all necessary rules and regulations for its government in the discharge of its duties and hear and decide all applications for relief or pension, and its decisions on such applications shall be final and conclusive and not subject to revision or review or reversal except by said Board. A record shall be kept of all meetings and proceedings of said Board. Such rules and regulations as are adopted shall be published by the Board and posted conspiciously in the headquarters of the police department and shall be available for inspection and examination by all members of the department and be filed of record with the clerk of the Fiscal Court of said county. An orderly method of amendment or change of said rules or regulations shall be prescribed and complied with by said Board. The Board of Trustees shall make a report to the Fiscal Court of the county which shall include an audit of its books and the financial condition of the pension fund at its last meeting in December of each and every year after the adoption of this act by any county. If an annuity or insurance contract method of funding the pension system shall be adopted the Board shall file with its report an annual statement of the insurance company and a statement of its affairs in relation with the pension system. The audit of the books and records of the pension fund shall be made by the county auditor or by an individual certified public accountant as the Fiscal Court may by its appropriate order designate from time to time.

Section 7: The Board of Trustees shall have power to invest the pension fund, or any part thereof, in the name of the Board of Trustees of the County Police Pension Fund, in interest bearing bonds of the United States, of the State of Kentucky, or in any securities in which Trustees or Guardians are permitted to invest trust or guardianship funds under the laws of this state. Said Board shall have the power and authority to contract with any insurance company for the purpose of underwriting and insuring said pension system and may, from the members of the Police Department, form groups to obtain the advantages of the Group Life Insurance Plan, or group annuity contracts. Any contract or amendment thereto shall have the approval of the Fiscal Court of the County.

Section 8: In the event any member of the Police Department shall leave the employment of the department there shall be returned to him within thirty days thereafter all funds which he shall have contributed to the pension fund, but such employee leaving the employment of the department shall not be entitled to receive any portion of the funds contributed by the Fiscal Court to the pension fund.

Section 9: It shall be the duty of the County Attorney or of an attorney to be employed by the Board to give advice to the Board of Trustees in all matters pertaining to their duties in the management of said fund. Such County Attorney or attorney employed by the Board if it deem advisable, shall defend said Board in all suits or actions in law or equity that may be brought by or against it and in any other matter in which legal advice is sought or requested.

Section 10: The pensions afforded by the pension system adopted by any county electing to accept the provisions of this Act, shall be in addition to and supplement the Social Security benefits of any employee of the Police department.

The Committee on Transportation and Highways reported **HB 208, HB 210, HB 147** with the expression of opinion that the same should pass. Read at length for first time and ordered placed in the Calendar.

HB 208, AN ACT relating to motor vehicles and providing penalties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

Section 1. (1) The commissioner, uniformed officers and troopers of the Department of Kentucky State Police and such other officers and employes of the department as the commissioner may designate, may, at any time, upon reasonable cause to believe that a motor vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of such motor vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

(2) In the event such vehicle is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer shall give a written notice to the driver and shall send one copy to the Department of Kentucky State Police. Said notice shall require that such motor vehicle be placed in safe condition and its equipment in proper repair and adjustment within a period of forty-eight hours.

Section 2. No person, corporation, partnership or others engaged in the repair of motor vehicles shall issue any bill, receipt, or other form certifying or indicating a completion of the repairs as required by subsection (2) of Section 1 of this Act, when, in fact, such repairs have not been wholly and finally accomplished.

Section 3. (1) Any person who has been given a written notice as provided in subsection (2) of Section 1 of this Act and who fails to take proper action thereon shall be guilty of a misdemeanor, and upon conviction thereof shall for the first offense be punished by a fine of not more than one hundred dollars or by imprisonment for not more than ten days; for a second conviction within one year thereafter such person shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than twenty days, or both; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

(2) Any person who violates Section 2 of this Act shall be guilty of a misdemeanor, and shall be subject, upon conviction, to the penalties provided in subsection (1) of this Section.

HB 210, AN ACT relating to the establishment of roadblocks on highways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

(1) Whenever it shall be deemed necessary by any uniformed officer or trooper of the Department of Kentucky State Police that such action is necessary in order that he may enforce the laws of this state, such officer or trooper may erect and maintain a roadblock or roadblocks necessary to stop any or all traffic upon any highway within the Commonwealth of Kentucky.

(2) Such roadblocks may be established by any reasonable means

within the discretion of the uniformed officer or trooper of the Department of Kentucky State Police, but warning signs designed to fully apprise all motorists of the existence of the said roadblocks shall be placed along the highway at a sufficient distance therefrom to permit a motorist to negotiate a safe and complete halt before arriving at the scene of the roadblock. Such warning signs, upon being carefully placed by a uniformed officer or trooper of the Department of State Police, shall be the sole responsibility of the person operating the vehicle, in the event that such signs are in any manner involved in, or the cause of, any highway accident or mishap.

(3) Any person operating a motor vehicle upon the highway of the Commonwealth of Kentucky who fails to stop at any roadblock erected and maintained under the authority of this Act shall be guilty of a felony, and shall be punished by confinement in the penitentiary for not less than one nor more than two years.

HB 147, AN ACT relating to school busses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

No school bus shall be licensed or operated for the transportation of school children unless it has a folding sign on the driver's side thereof, with letters at least six inches in height and containing the words "School Bus." Upon stopping the school bus the driver shall open out the sign so that it will be plainly visible to traffic approaching from both directions.

For failure to display the sign when the bus is stopped while loading or unloading school children, the driver shall be fined not less than Ten nor more than One Hundred Dollars.

The Committee on Transportation and Highways reported **HB 132** with the expression of opinion that the same should not pass.

Calendar

HB 36, HB 46, HB 152, HB 88, HB 179, HB 145, HB 63, HB 7, HB 124, HB 139, HB 87, HB 86, HB 153, HB 133, HB 37, HB 154, HB 136, HR 5, HR 16 were taken from the Calendar and ordered read at length for the second time. Ordered placed in Orders of the Day.

Orders of the Day

HB 93 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed.

Representative Lowman moved to amend **HB 93** as follows:

Amendment 1. "Amend printed copy of HB 93 on page 1, line 2, following the word 'as' by striking 'followes' and substituting therefor 'follows'." Adopted.

Amendment 2,

"Amend House Bill No. 93 by striking all of lines 3 to 13, both inclusive, in the printed bill and substituting in lieu thereof the following:

Every gas pipe line company obtaining gas from producing wells located within this state, upon the request of the owner of the property on or over which any producing well or gas gathering pipe line is located or the owner of real estate whose property and point of desired service is located within one-half air-mile of said company's producing gas well or gas gathering pipe line, shall furnish gas service to such owner and applicant, subject to and upon the following terms, conditions and provisions, to-wit:

"(1) The gas service shall be furnished at rates and minimum monthly charges determined by the Public Service Commission.

"(2) The applicant for such gas service shall construct or cause to be constructed, and shall maintain and keep in good repair, the service lines, and shall provide and install or cause to be installed, and keep in good repair, the necessary automatic gas regulators, and shall pay the entire cost thereof. The company, at its own expense, shall provide, install and maintain the necessary gas meters.

"(3) The construction of each service line, the installation, type and number of automatic gas regulators and gas meter or meters and the connection thereof with the gas producing well or pipe line shall be under the supervision of the Public Service Commission or an agent thereof; and, shall conform to such standards of safety, location and convenience as may be prescribed by said Commission.

"(4) Neither the gas producer nor the gas pipe line company shall be responsible for maintaining any fixed or specified gas pressure. Neither the gas producer nor the gas pipe line company shall be liable for any accident or accidental injuries or damages which may result from any defect or failure of any automatic gas regulator or for any leakage or other defect or failure of any service line installed or constructed by the applicant.

"(5) Nothing in this Act shall be construed as requiring any gas pipe line company to serve any such owner of property or applicant from any line or lines established on the discharge side of any compressor station, or from any line or lines serving or connecting with any gas storage field. The provisions of this Act shall apply only to producing gas wells and to gas pipe lines commonly known as gathering lines.

"(6) Nothing in this Act shall be construed to restrict the right of any gas pipe line company to abandon any gas well or any gathering pipe line, or any part thereof, and to remove any such abandoned pipe line or lines.

"(7) Subject to the rules and regulations of the Public Service Commission, any service may be disconnected and discontinued by the company for failure of the customer to pay any bill as and when due and payable." Adopted.

Motion by Representative Weintraub that Amendment 2 lay on Clerk's desk was rejected.

HB 93 as amended read at length a third time. Representative Lowman moved the Previous Question. Agreed.

On roll call, the vote was yeas 83—Bates, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Carter, Caudill, Cornett, Cottengim, Davidson, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ray, Rayburn, V. Reed, H. V. Reid, Reynolds, Saylor, Sloan, Stith, Thomas, Thompson, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 93** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Reference of Bills and Resolutions

The Speaker announced referral of the following bills and resolutions:

Banking and Insurance: **HB 228, HB 262, HB 267, HB 268, HB 269, SB 34**

Ways and Means: **HB 229, HB 234, HB 242, HB 243, HB 240, HB 245, HB 246, HB 250, HB 257, HB 258, HB 259, HB 260, HB 261, HB 264, HB 265, HB 266, HB 272, HB 273, HB 274, HB 276, HR 22, HR 23, SB 1, SB 5, SB 12, SB 16, SB 30, SB 35, SR 16, SR 24**

Suffrage, Elections and Const. Amend.: **HB 230, HB 235**

Municipalities: **HB 231, HB 248, HB 249, HB 251, HB 271**

State and County Government: **HB 232, HB 233, HB 239, HB 244, HB 256, HB 263**

Transportation and Highways: **HB 236, HB 270**

Judiciary: **HB 237, HB 247, HB 252, SB 15**

Revenue and Taxation: **HB 238**

Conservation: **HB 241**

Agriculture and State Fair: **HB 253, SR 12**

Health and Welfare: **HB 254**

Public Utilities: **HB 275**

Orders of the Day

HB 49 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed.

Representative Burnley moved to amend **HB 49** as follows:

Amendment 1. "Amend printed copy of House Bill 49 on page 1, section 1, line 1 by adding before the word 'the', the following: 'Section 1'." Adopted.

Amendment 2. "Amend printed copy of House Bill 49 on page 1, by adding thereto as Section 2, the following: 'Section 2. (1) Any person who violates any of the provisions of this Act shall be fined not less than fifteen dollars nor more than two hundred dollars, or imprisoned for not more than thirty days, or both. (2) In addition to the penalties prescribed in subsection (1) of this section, in case of violation by any person in whose name such vehicle used in the transportation of inflammable liquids or explosives is licensed, such person shall be fined not less than one hundred nor more than five hundred dollars. Each violation shall constitute a separate offense'." Adopted.

Amendment 3. "Amend printed copy of HB 49 on page 1, line 6 strike out the word 'employ' and insert in lieu thereof the word 'employee'." Adopted.

HB 49 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 75—Bates, Baumgardner, Beshear, Blankenship, Blue, Breathitt, Breckinridge, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Johnson, Kubale, Mackey, Martin, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ray, Rayburn, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Sloan, Stith, Tanner, Thompson, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch. Nays 0. **HB 49** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Report on Enrolled Bills

HB 40, HB 42 signed by President of the Senate. Ordered delivered to the Governor.

Orders of the Day

HB 45 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question.

On roll call, the vote was yeas 71—Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Conrad, Cottengim, Davidson, Davis, Everett, Farmer, Gay, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, McCallum, Melton, Miller, Moore, Morgan, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Sloan, Stith, Tanner, Thomas, Thompson, Walsh, Wathen, Weintraub, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays 5—Day, Mackey, McKinney, Mullins, L. B. Wells. The Previous Question was adopted.

Representative Morgan moved to extend time of thirty minutes for opponents and proponents to speak. Agreed.

Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 54—Bates, Baumgardner, Beshear, Billington, Blankenship, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Cottengim, Davidson, Davis, Embry, Everett, Farmer, Fitzpatrick, Gay, Greene, Grigsby, Grundy, Gullette, Harris, Hawkins, Highland, Hilton, Hinkle, Holsclaw, Isler, Johnson, Kubale, Melton, Miller, Moore, Morgan, Murphy, Newsom, Ockerman, Parrish, Pollitte, Qualls, Ray, J. B. Reed, V. Reed, H. V. Reid, Tanner, Thomas, Walsh, Wathen, Weintraub, A. W. Wells, Wirsch, Young. Nays 35—Blue, Breathitt, Caudill, Conrad, Cornett, Day, Flanery, Freeman, Griffin, Hadden, Hahn, Heskamp, Heyburn, Hill, Hislope, D. W. Howard, Jennings, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Mullins, Nunn, Peace, Rayburn, R. Reid, Reynolds, Saylor, Sloan, Thompson, L. B. Wells, Williamson, Wilson. HB 45 was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Introduction of Bills and Resolutions

HB 277, by Representative Billington, AN ACT relating to loan and investment companies.

HB 278, by Representative Newson, AN ACT amending KRS 278.502 so as to give certain carriers of coal or its derivatives a right of condemnation.

HB 279, by Representative Wathen, AN ACT relating to school districts.

HB 280, by Representative Day, AN ACT proposing amendment to Sections 31 and 42 of the Constitution of the Commonwealth of Kentucky.

HB 281, by Representatives Tanner, Day, AN ACT providing for payment from the proceeds of the sale of electrical energy, of water and gas services of municipally owned light, water and gas plants to boards of education of independent public schools districts embracing municipalities of the second class, providing a method of determining the amount thereof, and repealing all laws and parts of laws in conflict therewith.

HB 282, by Representative Morgan, AN ACT relating to distilled spirits.

HB 283, by Representative Morgan, AN ACT pertaining to motor vehicles.

HB 284, by Representative Morgan, AN ACT relating to the public educational system, its officers and employes, their duties and compensation.

HB 285, by Representative Morgan, AN ACT relating to school districts.

HB 286, by Representative Morgan, AN ACT relating to school officers and their compensation.

HB 287, by Representative Gay, AN ACT relating to the filing of statements of contributions and expenditures by candidates subsequent to nomination and election dates.

HB 288, by Representatives Day, Walsh, AN ACT relating to railroad cabooses.

HB 289, by Representative McCallum, AN ACT relating to trailer coach parks.

HB 290, by Representatives J. B. Reed, Qualls, Freeman, Politte, Grigsby, Gay, Blankenship, Embry, Vernon Reed, Dunsil, Peace, McKinney, Newsom, Thomas, Sloan, AN ACT relating to dog licenses.

HB 291, by Representatives Wirsch, Cottengim, Isler, AN ACT relating to qualifications, registration and purgation of voters.

HB 292, by Representatives A. W. Wells, Hislope, AN ACT relating to corrupt practices.

HB 293, by Representatives A. W. Wells, Hislope, AN ACT to regulate strikes and picketing.

HB 294, by Representatives Burnley, Day, AN ACT relating to convicts.

HB 295, by Representative Ray, AN ACT relating to limitation of actions and amending section 413.140 of the Kentucky Revised Statutes.

HB 296, by Representatives J. B. Reed, Newsom, AN ACT relating to the compensation of clerks, sheriffs and jailers in counties having a population of 75,000 or over and amending subsection (1) of Section 64.345 of the Kentucky Revised Statutes.

HB 297, by Representative Everett, AN ACT relating to the licensing of motor vehicles and operators; amending Section 186.520 of the Kentucky Revised Statutes.

HB 298, by Representative Everett, AN ACT relating to the licensing of applicants for automobile driving permits.

HB 299, by Representative Everett, AN ACT relating to fees of circuit clerks; amending Section 64.020 of the Kentucky Revised Statutes.

HB 300, by Representative Everett, AN ACT relating to clerk's fees.

HB 301, by Representative Everett, AN ACT relating to circuit clerks; amending subsection (1) of Section 172.110 of the Kentucky Revised Statutes.

HB 302, by Representatives Cottengim, Grundy, Isler, AN ACT relating to coroners.

HB 303, by Representatives C. S. Howard, D. W. Howard, Hawkins, Pollitte, Nunn, Grundy, McKinney, Vernon Reed, Stith, AN ACT relating to the conduct of regular elections.

HB 304, by Representatives C. S. Howard, D. W. Howard, Hawkins, Pollitte, McKinney, Vernon Reed, AN ACT relating to purgation of voters.

HB 305, by Representative Tanner, AN ACT relating to the fees and compensation of county officers and employes.

HB 306, by Representatives Weintraub, Cottengim, AN ACT relating to court reporters.

HB 307, by Representative Holsclaw, AN ACT relating to pawnbrokers.

Representative Morgan moved to adjourn until 1 P.M., Thursday, January 26. Agreed.

THURSDAY, JANUARY 26, 1956

TWENTIETH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Carter Roberts, Church of the Nazarene, Frankfort.

Roll Call showed all present except Barnum, Breathitt, Buchanan, Casey, Greene, Gullette, Moore, Nunnelley, H. V. Reid, Tanner, Thomas, Weintraub.

Representative Isler moved that reading of January 25 Journal be dispensed with and that same be approved. Agreed.

Representative Isler moved that when House adjourn today, it adjourn out of respect for Arthur B. Rouse, former Congressman, who died January 25, 1956. Agreed.

Reference of Bills and Resolutions

The Speaker announced referral of the following bills and resolutions:

Ways and Means: **HB 277, HB 283, HB 284, HB 285, HB 286, HB 287, HB 290, HB 291, HB 292, HB 293, HB 294, HB 297, HB 298, HB 299, HB 300, HB 301, HB 302, HB 306, HB 307, HB 278**

Suffrage and Taxation: **HB 279**

Suffrage, Elections, and Constitutional Amendments: **HB 280, HB 304**

Public Utilities: **HB 281, HB 288**

State and County Government: **HB 282, HB 296, HB 305**

Health and Welfare: **HB 289**

Judiciary: **HB 295, HB 303**

Report of Committees

The Committee on Labor and Industry reported **HB 125** with the expression of opinion that the same should pass. Read at length for first time and ordered placed in the Calendar.

HB 125, AN ACT relating to wages and hours, and amending KRS 337.210, 337.220 and 337.240.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in Section 337.210, 337.220 and 337.240 of the Kentucky Revised Statutes, unless the context requires otherwise, a "minimum fair wage" means a wage of not less than 75 cents an hour except as otherwise established in accordance with the provisions of the Chapter, but shall not apply to labor on a farm nor domestic service in the home of an employer.

Section 2. KRS 337.210 is amended to read as follows:

Any contract for employment of any person in this state at an oppressive and unreasonable wage is void as against public policy.

Section 3. KRS 337.220 is amended to read as follows:

Upon the petition of fifty or more residents of this state the commissioner or his authorized representative shall make an investigation of the wages being paid to women or miners in any occupation to ascertain whether any substantial number of them are receiving oppressive and unreasonable wages. If, on the basis of information in the possession of the commissioner, with or without a special investigation, he believes that an essential number of them are receiving oppressive and unreasonable wages he shall request the Governor to appoint a wage board upon the establishment of minimum fair rates for such women or minors. In no case shall there be established minimum fair wage rates of less than 75 cents an hour for any occupation.

Section 4. KRS 337.240 is amended to read as follows:

(1) A wage board appointed by the Governor shall be composed of three disinterested persons representing the public one of whom shall be designated chairman, three persons representing employers in the occupation and three persons representing the employes in the occupation. The representatives of employers and employes shall be appointed, as far as practicable, from nominations submitted by employers and employes in the occupation. Two-thirds of the members shall constitute a quorum, and the recommendations or report of the board shall require a vote of a majority of all members present. The commissioner from time to time shall establish regulations not inconsistent with this section, governing the mode of procedure.

(2) A wage board may administer oaths and require by subpoena the attendance and testimony of witnesses, the production of all books, records, and other evidence relative to any matters under investigation. Such subpoena shall be signed and issued by the chairman of the wage board, and shall be served and have the same effect as if issued out of the circuit court. A wage board may cause depositions of witnesses residing within or without this state to be taken in the manner prescribed for like depositions in civil action in the circuit court.

(3) The commissioner shall present to a wage board promptly upon its organization all the evidence and information in his possession relating to the wages of women or minor workers in the occupation for which the wage board was appointed, and all other

information, which the commissioner deems relevant to the establishment of a minimum fair wage for such women and minors, and shall cause to be brought before the board any witnesses he deems material. A wage board may summon other witnesses or call upon the commissioner to furnish additional information to aid it in its deliberations.

(4) Within sixty days of its organization a wage board shall submit a report including its recommendations as a minimum fair-wage standard for the women and minors in the occupation, the wage standards of which it was appointed to investigate. If its report is not submitted within sixty days the commissioner may request the Governor to appoint a new wage board.

(5) A wage board may differentiate and classify employments in any occupation according to the nature of the service rendered and recommended appropriate minimum fair-wage rates for different classes of employment. A wage board may also recommend minimum fair-wage rates varying with localities if in its judgment conditions make such local differentiation proper and do not effect an unreasonable discrimination against any locality.

(6) A wage board may recommend a suitable scale of rates for learners and apprentices in any occupation. This scale may be less than the regular minimum fair wage rates recommended for experienced women or minor workers in that occupation.

(7) In addition to its wage report, a wage board may separately recommend any administrative regulations it considers appropriate to safeguard the minimum fair-wage standards recommended in its report.

The Committee on Agriculture reported **HB 20** and **HB 23** with the expression of opinion that the same should pass by way of committee substitute. Read at length for the first time and ordered placed in the Calendar.

HB 20, AN ACT relating to the control of Johnson grass on state right of ways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Department of Highways shall at all times keep all state right of ways free of the species of grass, sorghum Halepense, commonly known as Johnson grass. When such grass is found growing upon any state right of way, the department shall take steps to eradicate such grass by the use of chemicals or any other effective means.

Section 2. The Department of Highways shall notify the owner or tenant, whichever may be operating the farm adjacent to the right of way, of the approximate date that the eradication work is to be performed. Notice shall be given to the owner or tenant so as to provide at least three days in which to allow the owner or tenant sufficient time to remove his livestock from the fields adjacent to the right of way on which the eradication work is to be performed. The department shall advise the owner or tenant of land adjacent to the right of way treated of the nature of any chemicals used and of the effect such chemicals or process used will have on any livestock. The Department of Highways shall further advise said owner or tenant of the length of time required for the chemical action or reaction to dissipate to the point where there will be no harmful effects on any livestock.

Section 3. Any person whose land is damaged by the spread of Johnson grass from any state right of way to his land shall have a claim against the Department of Highways of the Commonwealth of Kentucky to the extent of the damage caused by the negligence of the department in failing to comply with subsection (1) of this Act. Such claim shall be asserted in the manner provided by KRS 44.070 to 44.160.

HB 23, AN ACT relating to county right of ways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The fiscal court of each county through its agent, the county engineer, county road supervisor or other designated official, shall at all times keep all county right of ways free of the species of grass, sorghum halepense, commonly known as Johnson grass. Whenever such grass is found growing upon any such right of way, the fiscal court shall take steps to eradicate such grass by the use of chemicals or any other effective means.

Section 2. The fiscal court shall notify the owner or tenant, whichever may be operating the farm adjacent to the right of way, of the approximate date that the eradication work is to be performed. Notice shall be given to the owner or tenant so as to provide at least three days in which to allow the owner or tenant sufficient time to remove his livestock from the fields adjacent to the right of way on which the eradication is to be performed. The fiscal court shall advise the owner or tenant of land adjacent to the right of way treated of the nature of any chemicals used and of the effect such chemicals or process used will have on any livestock. The fiscal court shall further advise said owner or tenant of the length of time required for the chemical action or reaction to dissipate to the point where there will be no harmful effects on any livestock.

The Committee on Agriculture reported **HB 172, HB 253, HB 135, HB 158** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 172: AN ACT relating to the Board of Agriculture.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 246.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Board shall consist of eleven members, as follows: the commissioner, ex-officia chairman; the director of the Agriculture Experiment Station, ex-officio member and vice-chairman; one person representing the Kentucky Farm Bureau Federation; one member from the Kentucky Purebred Livestock Association, and one citizen from each of the appellate court districts in the state.

(2) The members from the appellate districts shall be experienced and practical farmers, and not more than four of the seven of them shall belong to the same political party. The member representing the Kentucky Farm Bureau Federation shall be appointed from a list submitted by the president of the state federation of three farmers who are members of a county farm bureau; and the member from the Kentucky Purebred Livestock Association shall be appointed from a list of three members of the association submitted by the president.

(3) Upon the expiration of the term of each member of the board from an appellate district, and every four years thereafter, the Governor shall appoint a successor.

(4) The board shall be a body corporate under the corporate name "State Board of Agriculture" and shall have the usual corporate powers.

Section 2. Section 246.130 of the Kentucky Revised Statutes is amended to read as follows:

The members of the board shall meet at Frankfort at least once every two months, or at any other place that they may determine, to consider the general agricultural, horticultural, forestry and industrial interests of the State, and to take the necessary steps for carrying out the purpose of the board. The commissioner may, and at the request of five members shall, call its meetings and the board may adjourn any meeting to such time and place as may be determined.

Six members shall constitute a quorum. Six members may call the board together for the transaction of business if the commissioner, upon the request of six members, refuses to call it.

HB 253, AN ACT relating to tobacco and amending Section 248.290 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 248.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each warehouse shall pay to the department an annual license fee of Twenty-Five Dollars. A license fee shall be paid on each warehouse building operated as a place of sale for tobacco, regardless of the number of such buildings owned by any individual, corporation, firm, or other type of management organization. It shall be paid on July 1 of each year.

(2) The amount of the license fees collected by the department shall be paid into the State Treasury to the credit of a revolving account to be used in the administration of this act.

HB 135, AN ACT relating to tobacco marketing equipment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In each tobacco warehouse, redryer, prize room or company, all pieces of each type of equipment used for transporting baskets of tobacco during a weighing operation in which the quantity value of the tobacco in the basket is determined shall be of uniform weight. In any case where the equipment being used for such purpose is not the property of the warehouse, redryer, prize room or company in which the weighing operation is taking place, the weighman shall use the same tare as that set by the Division of Weights and Measures. In every weighing operation involving the same basket, the basket tare shall be the same as that originally determined by the Division of Weights and Measures.

Section 2. Every tobacco warehouse, redryer, prize room or company weighing tobacco for commercial purposes shall post a copy of this law in a conspicuous place in the scale office.

Section 3. (1) Any person who violates any of the provisions of Section 1 of this Act shall be fined not less than two hundred dollars nor more than five hundred dollars for each offense.

(2) Any person who violates any of the provisions of Section 2 of this Act shall be fined not less than fifty dollars nor more than one hundred dollars for each day of violation.

HB 158, AN ACT relating to the Sale of Agricultural Seeds or Mixtures of Agricultural Seeds and Amending Sections 250.030, 250.050 and 250.060 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 250.030 of the Kentucky Revised Statutes be amended to read as follows:

"(1) Agricultural seeds or mixtures of seeds shall be exempt from KRS 250.020 to 250.170 when:

(a) Possessed, exposed for sale or sold for food or feed purposes only;

(b) Sold to merchants to be recleaned before being sold or exposed for sale for seeding purposes;

(c) In store for the purpose of recleaning, and not possessed, sold or offered for sale for seeding purposes; and

(d) The seed is grown, sold and delivered by a producer on his own premises to the purchaser himself. If, however, the seed is advertised for sale by the public press, circular or catalogue or if the seed is delivered by a common carrier, the seed and the seller shall be subject to KRS 250.020 and 250.170."

Section 2. Section 250.050 of the Kentucky Revised Statutes is amended to read as follows:

"Mixtures of agricultural seeds which contain two or more kinds of such seeds, each present in excess of five percent by weight of the total mixture, shall when sold, offered or exposed for sale as mixtures in containers of more than one ounce, have affixed in a conspicuous place on the exterior of the container of such mixture, a label in plainly written or printed English, stating;

(1) That the seed is a mixture;

(2) The name and approximate percentage by weight of each kind of agricultural seed present in excess of five percent by weight of the total mixture;

(3) The approximate percentage by weight of total weed seeds;

(4) The name and approximate number per ounce of each kind of noxious weed seeds present;

(5) The approximate percentage of germination of each kind of agricultural seed present in the mixture if it is in excess of five percent by weight, together with the month and year the seed was tested.

(6) The full name and address of the seller of the mixture; and

(7) The name of the state where the seed was grown, and if this is unknown, a statement to that effect."

Section 3. Section 250.060 Kentucky Revised Statutes is amended to read as follows:

"Special mixtures of agricultural seeds, except as specified in KRS 250.050, shall, when sold, offered or exposed for sale in bulk, or containers in excess of one ounce, have affixed in a conspicuous place on the exterior of the container of the mixture a label in plainly written or printed English, stating:

(1) That the seed is a mixture;

(2) The name of each kind of agricultural seed present in proportion of five percent or more of the total mixture;

(3) The approximate total percentage by weight of weed seeds;

(4) The approximate percentage, by weight, of inert matter;

(5) The name and approximate number per ounce of each kind of noxious weed seeds present;

(6) The full name and address of the seller of the mixture; and

(7) The approximate percentage of germination of each kind of agricultural seed present in the mixture if it is in excess of five percent by weight, of total mixture together with the month and year the seed was tested.

The Committee on Ways and Means reported **HB 223, HB 224, HB 220, HB 162, HB 161, HB 107, HB 260, HB 258, HB 257, HB 250, HB 218, HB 216, HR 19, HR A, HR 3, SB 5** with the expression of opinion that the same should pass. Read at length for first time and ordered placed in the Calendar.

HB 223, AN ACT regulating the traffic in used copper wire and cable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Every junk dealer, dealer in second hand articles, vendor of bottles or rags, or collector of or dealer in articles found in ashes, garbage or other refuse, whether such dealers, collectors or vendors have established places of business or operate a business of an itinerant nature, shall keep a register, which shall contain the name of the person or persons from whom any copper wire or cable is purchased, whatever may be the condition or length of such copper wire or cable; the residence or place of business of such person or persons and a full description of each purchase including the quantity by weight thereof. Each of such dealers, collectors or vendors shall permit any peace officer to inspect said register at any reasonable time and shall report to the sheriff of the county in which any purchase is made and to the sheriff of the county in which his business is located all of such purchases within twenty-four hours thereafter; the report shall contain all of the information required to be maintained in the register provided for herein.

(2) Failure to maintain the register or to make the report to the sheriff as required by this Act shall be a misdemeanor punishable by a fine of not more than One Hundred Dollars or by imprisonment for not more than thirty days, or both, and shall be prima facie evidence that such dealer, collector or vendor received the used copper wire or cable not registered or reported, knowing it to be stolen in violation of KRS 433.290.

HB 224, AN ACT relating to taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Circulation" means the average total number of copies of a daily newspaper sold, issued and distributed daily within the Commonwealth of Kentucky.

(2) "Daily newspapers" means any newspaper that is published more often than five times during the average week and whose circulation is more than 10,000 copies per each publication.

(3) "Sale" means the transfer of a newspaper for valuable consideration.

(4) "Taxpayer" includes all persons required to make reports and pay the tax imposed by this Act.

Section 2. An excise tax is hereby imposed upon the sale of daily newspapers equal to one cent per copy of the circulation of such newspapers.

Section 3. By the last day of each month each taxpayer shall mail to or file with the Department of Revenue a verified report of the combined total circulation of all daily newspapers published by him during the preceding month, with such additional information as the department may require for the enforcement of the provisions of this Act. The taxpayer shall remit with the report the amount of tax due under Section 2 of this Act. The department, on the basis of information which it is authorized to secure, or on the basis of an audit of the return, may require additional payments if found to be due. Each taxpayer shall keep and preserve such records as the department may require to facilitate enforcement of the provisions of this Act.

(2) No taxpayer shall fail or refuse to make the returns prescribed by this section or refuse to permit the Department of Revenue or its agents appointed by it in writing to examine his records, papers, files and equipment pertaining to the daily circulation of such taxpayers.

(3) Any person who fails to pay the tax due under Section 1 of this Act, within the time specified by this section, shall pay a penalty equal to twenty percent of the amount of the tax due and delinquent, and in addition thereto interest at six percent per annum on both the original amount of the tax and the penalty.

Section 4. All money derived from the provisions of this Act shall be paid into the State Treasury and shall be credited to a special fund to be used for making public assistance payments under the provisions of KRS 205.160 to 205.250.

HB 220, AN ACT relating to the offices of receiver and commissioner in certain counties, amending KRS 64.275 and 64.280.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.275 of the Kentucky Revised Statutes is amended to read as follows:

If, in the office of receiver of the circuit court in a county containing a population of 300,000 or over, a shortage in the salary of the receiver shall occur or exist and the receiver does not have in his hands sufficient surplus fees or other funds legally charged with the payment of his salary to make up the shortage he shall thereupon, immediately after the last day of the month in which the shortage occurs, file in the circuit court, in general term, a statement under oath showing the shortage and the amount thereof, and the court shall thereupon, by its order in general term, any five of the judges concurring, order the Department of Finance, and it shall immediately pay to the receiver the amount of the shortage named in the order out of the General Expenditure Fund.

Section 2. Section 64.280 of the Kentucky Revised Statutes is amended to read as follows:

If, in the office of commissioner of the circuit court in a county containing a population of 200,000 or over, a shortage in the salary of the commissioner or his deputies shall occur or exist and the commissioner does not have in his hands sufficient surplus fees to make up the shortage, he shall thereupon, immediately after the last day of the month in which the shortage occurs, file in the circuit court, in general term, a statement under oath showing the shortage and the amount thereof, and the court shall thereupon, by its order in general term, any four of the judges concurring, order the Department of Finance to issue, and it shall immediately issue, a warrant on the State Treasury to pay, and the treasurer shall thereupon immediately pay to the commissioner the amount of the shortage named in the order out of the General Expenditure Fund.

Section 3. For the purpose of this Act there is hereby appropriated out of the General Expenditure Fund of the State Treasury, the amount necessary.

HB 162, AN ACT relating to regulation of investments of insurance companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Kentucky Revised Statute 304.419 is amended to read as follows:

An insurer may invest and have invested its funds in dividend-paying common stocks of solvent corporations not less than five years old at the time of the investment, organized and existing under the laws of the United States or a state of the United States, or Canada or any province thereof, not in excess of the following amounts:

(1) If a stock insurer, the amount of its surplus and capital in excess of the minimum capital required of it under this code.

(2) If a mutual or reciprocal insurer, an amount equal to that part of its surplus in excess of its minimum required surplus.

HB 161, AN ACT relating to par value of insurance company stocks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Kentucky Revised Statute 304.121 is amended to read as follows:

(1) Five or more natural persons over twenty-one years of age may incorporate a stock insurer.

(2) In addition to the applicable requirements of laws governing the incorporation of business corporations generally:

(a) The articles of incorporation shall specify the kind or kinds of insurance proposed to be transacted.

(b) The name of the corporation shall contain the words "insurance company."

(c) Each share of capital stock shall have a par value of not less than one dollar.

(d) The incorporators shall deposit the articles of incorporation, in quadruplicate originals, with the commissioner, and such articles shall not be filed with the Secretary of State until approved by the commissioner as provided in KRS 304.123 and the commissioner's approval has been stamped upon or otherwise attached to the articles.

HB 107, AN ACT relating to school officers and employees and amending Section 64.600 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.600 of the Kentucky Revised Statutes is amended to read as follows:

For the purposes of KRS 64.480 to 64.760, officers and employees of school districts are deemed to be officers and employees of the State.

HB 260, AN ACT relating to metropolitan sewer districts and the approval, disapproval or revising of plans and designs for sanitary sewer and/or storm-water drainage projects.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That a new Section be added to Chapter 76 of the Kentucky Revised Statutes reading as follows:

(1) Any person or corporation, public or private, in any city of the first class or in the county containing such city submitting for approval plans and designs of sanitary sewers and/or stormwater drainage facilities, to be constructed by such other person or corporation, private or public, pursuant to the provisions of Subsection (12) of KRS 76.080 shall file with a metropolitan sewer district a

written application for such approval or other action upon the plans and designs submitted by such person or corporation.

(2) When a metropolitan sewer district receives an application for approval of plans or designs of sanitary sewers and/or stormwater drainage facilities to be constructed by some individual or corporation, the metropolitan sewer district is authorized and empowered to examine, inspect and investigate, as seems to be advisable, the sufficiency of the facilities which the application seeks to construct, to serve the purposes intended, and to establish and make reasonable charges for such services on the basis of a schedule adjusted according to the services required to make such investigation or on any other reasonable method.

(3) When it appears to the metropolitan sewer district that the construction of any military sewer and/or stormwater drainage facility being made by any other individual or corporation, requires inspection and supervision in order to assure the protection of public health and the proper subsequent completion of such facility for the purposes intended, the metropolitan sewer district shall include such finding in its order approving, modifying or disapproving the particular plans and projects, and shall charge such person or corporation for such inspection and supervision on the basis of the actual cost of inspection plus a reasonable additional cost of supervision.

HB 258: AN ACT relating to metropolitan sewer districts and the construction of sanitary sewers at cost of benefitted property in such district within the boundaries of a city of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 76.172 of the Kentucky Revised Statutes is amended to read as follows:

(1) When such sewers or drains are located in a public street or alley, the construction thereof shall be at the exclusive cost of owners of lots in each one-fourth of a square to be equally apportioned by the metropolitan sewer district according to the number of square feet owned by said property owners. Each subdivision of the territory bounded on all sides by principal streets shall be deemed a square.

(2) When the territory contiguous to any public way is not defined into squares or principal streets, the ordinance providing for the construction of sewer facilities shall state the depth on both sides of the improvement to be assessed for the cost, according to the number of square feet owned by the parties within the depth as set out in the ordinance.

(3) When such sewers or drains are located in rights-of-way other than in public ways, the ordinance shall describe the particular

territory to be served by the sewers or drains, and the cost shall be allocated to said territory.

(4) When the board of a metropolitan sewer district determines that such construction of sewer facilities at the cost of the property owners should be recommended to the board of aldermen of a city of the first class, the board shall cause its engineering department to prepare complete drawings and specifications for the work and to keep same available for inspection in the offices of the metropolitan sewer district.

(5) The actual construction work of the sewers constructed pursuant to such ordinance shall be done by, or under the control of, the metropolitan sewer district.

(6) A lien shall exist against the respective lots or land for the cost of improvement of the sewer facilities for apportionment as hereinafter provided for, and interest thereon at the rate of 6 per cent per annum.

(7) No error in the proceedings of the city legislative body shall exempt from payment after the work has been done as required by either the ordinance or contract, but the city legislative body, or the courts in which suits shall be proceeding, shall make all corrections, rules and orders to do justice to all parties concerned. In no event, if the sewer facilities are made as provided, by ordinance or contract, shall the city or the metropolitan district be liable for the cost of sewer facilities without the right to enforce it against the property receiving the benefit.

(8) Upon completion and acceptance of the sewer facility constructed, the metropolitan sewer district shall make out all apportionment warrants for which liens are given for improvements of sewer facilities and shall immediately enter them in alphabetical order upon a register kept for that purpose. When the holder of the warrant has obtained payment, he shall notify the metropolitan sewer district and it shall mark upon the register the fact of payment.

(9) The lien shall exist from the date of the apportionment warrant, but a lien shall not be valid against a purchaser for a valuable consideration without notice, unless the apportionment warrant is entered and registered within ten days of its issuance.

(10) After any sewer facilities have been constructed in conformity with this act the metropolitan sewer district shall give notice by one publication in a newspaper of general circulation in the city of the costs apportioned, and the amounts assessed and levied on the various tracts of land liable for the payment.

HB 257, AN ACT relating to metropolitan sewer districts and the construction and maintenance of facilities for surface drainage at cost of benefitted property in counties containing such district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That a new section or sections be added to Chapter 76, Kentucky Revised Statutes, reading as follows:

(1) In any county containing an organized metropolitan sewer district, which has portions or sections of the county without adequate surface drainage, the board of such metropolitan sewer district may determine that surface drains or other facilities for draining surface or storm water are necessary for the health, convenience or comfort of the residents, or for the improvement of the land, within any designated area in said county. This designation may include land within the limits of a city of any class.

(2) Any resolution or other action by such board shall describe the territory in which such surface drainage is planned, and shall state what kind of improvements are to be made.

(3) If the proposed improvement is to be constructed in whole or in part within the limits of a city of the first or second class, the action taken by the board of the metropolitan sewer district shall, as to the territory within such city, be submitted to the legislative body of such city for approval, disapproval or reference back to the metropolitan sewer district for modification. No approval except as provided in subsection (4) hereof shall be required where any such improvement is to be constructed in whole or in part within the limits of a city of the third, fourth, fifth, or sixth class.

(4) If the proposed improvement is to be constructed in whole or in part outside the limits of such city of the first or second class, the action taken by the board of the metropolitan sewer district shall, as to the territory outside such city, be submitted to the fiscal court of the county where said metropolitan sewer district is located, for approval, disapproval, or reference back to the metropolitan sewer district for modification.

(5) If the proposed improvement is disapproved in part by either such legislative body or such fiscal court, the board of the metropolitan sewer district shall reconsider the action taken and determine whether or not it will construct the proposed improvement as changed, and report its action to said legislative body or fiscal court. If the proposed improvement includes territory both inside a city of the first or second class and in the county outside such city, the metropolitan sewer district shall report such action to both the legislative body of such city and to the fiscal court, so that either agency may, if it so desires, withdraw its approval within ten days from such notification.

(6) The cost of the proposed improvement shall include all construction work within the designated territory, including, but not limited to, expenses incurred for planning and engineering, both prior to and after approval, cost of acquiring any rights-of-way or other

property needed in connection therewith, supervision costs and the cost of constructing facilities to connect the proposed improvement with any existing drainage system.

(7) When construction of any drainage improvement has been approved by all required agencies, the board of the metropolitan sewer district shall cause notice of the proposed improvement to be published three times in a paper of general circulation in the territory designated, and cause notices to be posted in three public places in said territory, describing the territory included and the improvement to be made.

Any owners of property in the designated territory shall have ten days from the date of publication of the third newspaper notice within which to file written objections to the proposed improvement. If no objections are filed within the designated time, the project shall be deemed to be finally approved. If any objections are filed, the metropolitan sewer district shall hold hearings thereon promptly with notice to the persons filing objections, and decide as to whether or not any of said objections require a change or discontinuance of any part of the proposed improvements. If any change is made, the action of the metropolitan sewer district shall again be submitted to the approving agency or agencies.

(8) When a final decision by the board of any metropolitan sewer district, and approving action by the agency or agencies authorized to make such approval, have been made, notice by registered mail shall be given by said board to any and all persons who filed written objections to said improvement, or to any part thereof. Any person or persons who had filed objections shall then have fifteen days from the mailing of such notice within which to file in the county court of the county in which the metropolitan sewer district is located, an appeal from the final action taken with reference to construction of said improvement. From any judgment of the county court an appeal may be taken to the circuit court of said county within thirty days from the date of said county court judgment on the record made in the county court, and may be appealed from the circuit court to the Court of Appeals.

(9) When any drainage improvement has been authorized by the board of a metropolitan sewer district and has been approved by all necessary approving agencies, and all objections have been determined, the metropolitan sewer district shall classify the land in the designated area with reference to the benefit it will receive from construction of the improvement. In making such classification the metropolitan sewer district shall consider the degree of wetness of the land, its proximity to the improvement or any natural outlet, the fertility of the soil, the previous condition of the surface of the land, facilities previously installed, and other facts and benefits from feasible uses of the land. All land within the designated area shall be presumed to receive some benefit. The land benefitted,

other than impervious areas, may be separated into three classes for purposes of apportioning and assessing the cost of the improvement. The land receiving the highest benefit shall be marked "Class A"; that receiving the next highest benefit, "Class B"; that receiving the least benefit, "Class C". The scale of assessment shall be in the ratio of three, two, and one.

Impervious areas shall be classed as "Class AA", and may be assessed at a higher rate than property in "Class A", computed in accordance with established engineering standards, but not greater than double the assessment established for "Class A" land.

(10) After a metropolitan sewer district has made a classification of the property within any area in which a drainage improvement has been approved, said metropolitan sewer district shall prepare benefit rolls for inspection by interested persons and keep same available in said district's offices.

Said metropolitan sewer district shall then cause notices of the preparation and existence of the benefit rolls to be published three times in a newspaper of general circulation in the territory designated, and cause notices of same to be posted in three public places in said territory. Any owners of property in the designated territory shall have ten days from the date of publication of the third newspaper notice within which to file written objections to the classification. If any such objections are filed, the metropolitan sewer district shall hold hearings thereon promptly, after notice to the persons filing objections, and pass upon said objections as promptly as practicable.

(11) After the metropolitan sewer district has decided all questions raised as to objections as to classifications of land, notices by registered mail shall be given to interested parties as to any action taken adverse to the objections made by such parties. Any person or persons who had filed objections shall then have fifteen days from the mailing of such notice or notices within which to file in the county court of the county in which the metropolitan sewer district is located, an appeal from the action taken with reference to the classification of the land. Said appeal shall be filed in the same proceeding in the county court in which any appeal thereto may have been made from the action of the metropolitan sewer district authorizing said improvement, if any such appeal was filed. From any judgment of the county court an appeal may be taken to the circuit court of said county within thirty days from the date of said county court judgment on the record made in the county court, and may be appealed from the circuit court to the Court of Appeals.

(12) When the classification rolls have been completed, or completed except for particular classifications that may have been appealed, the metropolitan sewer district shall file in the office of the county clerk of the county where said metropolitan sewer district is located, a copy of said classification rolls. As soon as

appeals from the classifications have been determined, with any further classifications authorized, a supplemental roll shall be filed showing such additional classifications.

(13) The cost of any drainage improvement shall be apportioned to the land in the designated area upon the basis of the benefits for real estate in each of said classes on an area basis in each classification. Area shall be determined to the nearest quarter acre, with the minimum assessment for a quarter acre. The apportionment for each property owner shall be computed by the metropolitan sewer district.

(14) The secretary-treasurer of a metropolitan sewer district shall notify each property owner by mail as to the amount of the assessment against him for any improvement constructed under the provisions of this Act. Any such landholder may pay his assessment in full at any time within thirty days from the date of mailing of notice of the assessment. Every person who fails to pay the full amount of his assessment to such metropolitan sewer district within thirty days shall be deemed to consent to the issuance of apportionment warrants, unless the total assessment against such owner is less than $50. If the assessment is less than $50, collection may be made immediately by such metropolitan sewer district with interest payable from the expiration of such thirty day period.

(15) The secretary-treasurer of a metropolitan sewer district shall make out all apportionment warrants for the costs of construction of such drainage projects and deliver same to the contractor, dating them at the expiration of the thirty-day period for payment, for the unpaid part of the contract price. Such apportionment warrants shall bear interest at the rate of 6% per annum, and shall be payable in ten equal annual installments, with privilege of paying off the unpaid balance at any time with interest to date of payment. The metropolitan sewer district shall maintain a register of outstanding warrants.

(16) Following the completion of any drainage improvement under the provisions of this Act, it shall be the duty of the district to keep and maintain all such improvements open, free from obstruction, and in good repair, and, for the purpose of providing funds to pay for such maintenance, the district may, from time to time, make additional assessments against the land in the designated area. All such maintenance assessments shall be made in proportion to the original assessment classification. No such maintenance assessment shall exceed ten percent of the original assessment, and not more than one assessment shall be made in any one year. Such maintenance assessments shall be recorded and collected in the same manner as herein provided for collection of the original assessment, except that such assessments shall be payable in full within thirty days following the recording thereof. If not paid within thirty days, such assess-

ments shall be subject to a ten percent penalty and shall bear interest at the rate of six percent per annum until paid.

(17) All drainage assessments provided for in this chapter, together with the interest thereon, any penalties for default in payment thereof, and all costs of collection shall, from the date of the filing of the classification rolls in the office of the county clerk until paid, constitute a lien superior to all other liens except the liens for state, county, city, school, and road taxes.

HB 250, AN ACT relating to the sale of alcoholic beverages and malt beverages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Notwithstanding the provisions of Section 18 of Carroll's Criminal Code of Practice or any other laws to the contrary, after any city or county, or city and county, has acquired property without the county under the provisions of Kentucky Revised Statutes 183.370 wherein an airport is situated having a classification of Class IV or higher as designated by the Civil Aeronautic Authority, the sale, control and enforcement of alcoholic beverages shall be according to the laws applicable to the city or county, or city and county, which acquired such property, and the courts of such city or county, or city and county, shall have the full and exclusive jurisdiction of all violations pertaining to alcoholic beverages committed within the boundaries of the acquired property.

HB 218, AN ACT appropriating money out of the General Expenditure Fund in the State Treasury for the purpose of paying certain claims which have been duly audited and approved according to law and which have not been paid because of the lapsing or insufficiency of former appropriations against which such claims were chargeable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the General Expenditure Fund in the State Treasury for the purpose of compensating the persons and companies herein named for claims which have been duly audited and approved according to the law but which have not been paid because of lapsing of former appropriations against which said claims were chargeable, the sum hereinafter specified:

1.	Mr. R. W. Marshall, Eddyville, Kentucky	$ 13.00
2.	Martin A. Ceder, Inc. Louisville, Kentucky	155.00

3. The Todd Company, Inc. Rochester, New York	53.42
4. Henry A. Petter Supply Company Paducah, Kentucky	199.00
5. Scott, Foresman & Co. Chicago, Illinois	94.92
	$ 515.34

Section 2. The persons and companies above named, having in good faith furnished the services, supplies and materials indicated in Section 1 and the Commonwealth having received the benefits of same, an emergency is hereby declared to exist and this Act shall take effect upon its passage and approval by the Governor.

HB 216, AN ACT relating to revenue bond anticipation notes in connection with public projects.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any state agency acquiring or constructing any public project which is being financed in whole or in part by the issuance of revenue bonds that are sold to the Housing and Home Finance Agency or other agency of the United States Government under a loan agreement whereby revenue bonds may be and are issued in installments to the federal agency and proceeds therefrom are received in installments, may, with the approval of the State Property and Buildings Commission borrow such money as is necessary to discharge costs of development and construction of such public project pending delivery of all or any part of said revenue bonds and receipt of proceeds therefrom and shall issue promissory notes for the amount borrowed in anticipation of the receipt of the proceeds of said revenue bonds. The lowest possible rate of interest shall be obtained on said notes but shall not in any event exceed the rate of interest established through competitive bidding on revenue bonds. The notes may be for a period not in excess of two years and shall not in any event extend beyond the period of development or construction of such public project. Said notes shall be secured only by and paid solely from funds received from the federal agency upon delivery of all or any part of said revenue bonds, and so much of such funds as will be sufficient to pay any sums borrowed shall be pledged to that object. Nothing in this Act shall be construed or interpreted to authorize the incurring of an indebtedness of the Commonwealth of Kentucky.

HR 19, A JOINT RESOLUTION declaring the third Friday and Saturday in October of each year as days for holding the Daniel Boone Festival in Barbourville, Kentucky. in commemoration of the life and memory of Daniel Boone.

WHEREAS, Daniel Boone was one of the nation's most famous trailblazers and pioneers, whose courageous and unselfish efforts greatly aided in extended the public domain, and who bore untold hardships and suffered savage warfare in the wilderness in order that civilization might have a safe and unimpeded highway toward the West; and,

WHEREAS, his name and fame have failed to attain the degree of appreciative recognition which his courage, unyielding determination and monumental accomplishments justly entitle them; and,

WHEREAS, Kentucky history has been indelibly gilded by his life and deeds,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That this body recognizes and approves of the Daniel Boone Festival held annually in Barbourville, Knox County, Kentucky, on the third Friday and Saturday in October, in commemoration of his life and memory, and calls upon all Kentuckians to participate in this appropriate and worthy purpose.

HR A: A RESOLUTION recognizing the special contribution of of Honorable Morris Weintraub.

WHEREAS, the rules under which the House of Representatives has operated during many sessions in the past have been archaic and confusing, bound by historical precedent and not adaptable to modern legislative requirements;

WHEREAS, one member of this House, the Honorable Morris Weintraub, who has been honored by his constituents in the past by election to both the House and the Senate, has had the foresight and experience which has led him to be the chief advocate for improving the rules of legislative procedure in Kentucky;

WHEREAS, this member has led the fight, session after session, towards modernizing and simplifying the rules of legislative procedure and reducing the unwieldy number of committees;

WHEREAS, this member has continuously and with great courage continued to work for improved legislative procedures and has recently served as a member of the Legislative Research Commission's Advisory Committee on Legislative Procedures; and

WHEREAS, the House of Representatives of the 1956 General Assembly has adopted concise, simplified and improved rules which will modernize and streamline the legislative process in the House of Representatives, making this process more effective,

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

Section 1. That cognizance be taken of the valiant efforts and contribution of the Honorable Morris Weintraub over a period of years toward improving legislative rules and procedures, by dedicating these new rules in his honor; and

Section 2. That a copy of this Resolution be appropriately inscribed by the elected officials of this body and presented to the gentleman from Newport and that a copy of this Resolution be spread upon the 1956 House Journal.

HR 3, A CONCURRENT RESOLUTION recognizing the Ken-the Department of Military Affairs to make affidavits submitted by Wiley John Adams regarding his Kentucky National Guard Service a part of the official department service record.

WHEREAS, it is of particular concern to the General Assembly of Kentucky that none who gave honorable military service to the Commonwealth as did Wiley John Adams, should be deprived of any rights and benefits accruing therefor;

WHEREAS, there is some question about the official pre-World War I service record of Wiley John Adams and the possible loss of these records;

WHEREAS, Wiley John Adams has filed with the Department of Military Affairs several affidavits of personal knowledge of the service in question;

WHEREAS, there is no positive evidence to dispute these affidavits, but only a lack of record in the Department of Military Affairs; and

WHEREAS, Department of Military Affairs' certifications regarding service must, in the interest of the welfare of all, be made from records;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That it is the sense of the General Assembly of the Commonwealth of Kentucky that the affidavits of John A. Webb, George W. Jenkins, Townsel C. Adams and R. T. Holbrook, regarding the service of Wiley John Adams establish that Wiley John Adams did serve in Company D, 2nd Kentucky, Infantry, between the years 1913 and 1916;

Section 2. That the aforementioned affidavits now constitute official records of the Commonwealth regarding the service in question; and

Section 3. That the Department of Military Affairs be authorized and directed to certify the service in question on the basis of official records as constituted by the aforementioned affidavits.

SB 5: AN ACT relating to the terms of court in the Thirty-sixth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (36) of Section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

Thirty-sixth district, Knott County at Hindman, on the first Monday in March, twenty-four juridical days; on the second Monday in May, twenty-four juridical days; on the fourth Monday in August, eighteen juridical days; and on the second Monday in November, thirty juridical days.

Magoffin County, at Salyersville, on the first Monday in February, eighteen juridical days; on the second Monday in April, eighteen juridical days; on the second Monday in June, eighteen juridical days, and on the fourth Monday in September, twenty-four juridical days.

Section 2. This Act shall take effect on July 1, 1956.

Calendar

HB 255, HB 165, HB 208, HB 210, HB 147 were taken from the Calendar and ordered read at length for the second time. Ordered placed in Orders of the Day.

Orders of the Day

HB 58 taken from Orders of the Day. Representative Morgan moved it be placed on passage. Agreed.

Representative Farmer moved to amend **HB 58** as follows: "Amend printed copy of HB 58 on page 1, section 1, line 3 by striking out line 3 and substituting the following: The fee simple of all lands, in a city of the first class, and the full." Adopted.

HB 58 read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 79—Anderson, Bates, Baumgardner, Beshear, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Grigsby, Grundy, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hilton, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Johnson, Kubale, Lambert, Mackey, McCallum, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 58** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 97 taken from Orders of the Day. Representative Morgan moved it be placed on passage. Agreed.

Representative Robert Reid, Sr., moved to amend **HB 97** as follows: "Amend printed copy of HB 97 on page 1, section 1, (1), line 7 change the spelling of the word 'punative' to 'punitive'." Adopted.

Representative Bates moved to amend **HB 97** as follows: "Amend printed copy of HB 97 on page 1, section 1, lines 8, 9 and 10 by deleting the following: 'in an amount which shall not exceed fifty percent of the value of the timber cut and shall not be less than twenty-five percent of the value of such timber'." Adopted.

HB 97 read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 81—Anderson, Bates, Baumgardner, Beshear, Billington, Blankenship, Blue Breathitt, Breckinridge, Buchanan, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Embry, Everett, Farmer, Freeman, Gay, Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Sloan, Stith, Thompson, Tinsley, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 97** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 179 taken from Orders of the Day. Representative Morgan moved it be placed on passage. Agreed.

Representative Hinkle moved to amend HB 179 as follows: Amendment 1. "Amend HB 179 on page 2, section 1, line 16 by changing 'Colege' to 'Colleges'." Adopted. Amendment 2. "Amend printed copy of HB 179 on page 2, section 1, line 10 by changing 'us' to 'is'." Adopted.

HB 179 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 84—Anderson, Bates, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Mullins, Murphy, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy Sloan, Stith, Tanner, Thompson, Tinsley, Walsh, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 179** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 86 taken from Orders of the Day. Representative Morgan moved it be placed on passage. Agreed. Read the third time at length. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 78—Anderson, Baumgardner, Billington, Blankenship, Breckinridge, Buchanan, Burnley, Bush, Carter, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch. Nays 0. **HB 86** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 87 taken from Orders of the Day. Representative Morgan moved it be placed on passage. Agreed.

Representative Lowman moved to amend **HB** 87 as follows: Amendment 1. "Amend printed copy of HB 87 on page 1, section 1, line 4 by striking the word 'received' and inserting 'receive'." Adopted. Amendment 2. "Amend printed copy of HB 87 on page 1, section 1, line 5 by striking 'reasonable' and substituting therefor 'reasonably'." Adopted.

HB 87 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 78—Anderson, Bates, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Carter, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Highland, Hill, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, McCallum, McFadden, McKinney, Melton, Miller, Moore, Mullins, Newsom, Ockerman, Parrish, Peace, Pollitte, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB** 87 was passed and the title agreed to.

HB 37 taken from Orders of the Day. Representative Burnley moved that it be placed on passage. Agreed.

Representative Harris moved that **HB** 37 lay on Clerk's desk for call at any time. Agreed.

HB 124 taken from Orders of the Day. Representative Burnley moved that it be placed on passage. Agreed. Read at length the third time. Representative Burnley moved the Previous Question. Agreed.

On roll call, the vote was yeas 70—Anderson, Bates, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Cottengim, Davidson, Day, Dunsil, Farmer, Flanery, Gay, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hilton, Hinkle, C. S. Howard, Isler, Jennings, Johnson, Lambert, Mackey, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Newsom, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson, Walsh, A. W. Wells, Williamson, Wilson, Young. Nays 1—Wirsch. **HB 124** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 139 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 66—Anderson, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Burnley, Carter, Caudill, Conrad, Cornett, Cottengim, Davidson, Dunsil, Farmer, Flanery, Gay, Grigsby, Grundy, Harris, Hawkins, Heyburn, Highland, Hilton, Hinkle, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lowman, Mackey, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Newsom, Ockerman, Parrish, Peace, Pollitte, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Walsh, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 139** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 153 taken from Orders of the Day. Representative Morgan moved it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 66—Anderson, Bates, Beshear, Billington, Blankenship, Blue, Breathitt, Breckinridge, Burnley, Carter, Caudill, Conrad, Cornett, Cottengim, Davis, Dunsil, Embry, Everett, Farmer, Flanery, Gay, Greene, Grigsby, Grundy, Harris, Heyburn, Highland, Hilton, Hinkle, C. S. Howard, D. W. Howard, Isler, Jennings, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Newsom, Ockerman, Parrish, Peace, Pollitte, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Thompson, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 153** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 136 ordered taken from Orders of the Day. Representative Morgan moved it be placed on passage. Agreed.

Representative Ockerman, seconded by Representative Burnley, moved to amend **HB 136** as follows: "Amend printed copy of HB 136 on page 7, section 10, line 3 by striking immediately after the word 'The' the words 'mayor or other'."

HB 136 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 65—Anderson, Bates, Beshear, Billington, Blankenship, Blue, Breathitt, Burnley, Carter, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Farmer, Flanery, Gay, Greene, Griffin, Grigsby, Grundy, Harris, Hawkins, Heyburn, Highland, Hilton, Hinkle, C. S. Howard, D. W. Howard, Isler, Jennings, Lowman, Mackey, McCallum, McKinney, Melton, Moore, Morgan, Mullins, Newsom, Ockerman, Parrish, Peace, Pollitte, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson, Walsh, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 0. **HB 136** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 133 taken from Orders of the Day. Representative Morgan moved it be placed on passage. Agreed. Read at length the third time. Representative McCallum moved the Previous Question. Agreed.

On roll call, the vote was yeas 73—Anderson, Beshear, Billington, Blankenship, Blue, Breathitt, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Cottengim, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Newsom, Ockerman, Parrish, Peace, Pollitte, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Thompson, Walsh, A. W. Wells, L. B. Wells, Wirsch, Young. Nays 0. **HB 133** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Introduction of Bills and Resolutions

HB 308, by Representatives Hilton, Rayburn, Bush, Qualls, AN ACT to promote the safety of employes and travelers upon railroads.

HB 309, by Representative Murphy, AN ACT relating to malt beverages.

HB 310, by Representative Newsom, AN ACT relating to the marketing of farm products and to provide for the creation of non-profit public corporations to be known as 'Farm Products Market Facilities.'

HB 311, by Representative D. W. Howard, AN ACT relating to interest and usury.

HB 312 by Representative McKinney, AN ACT relating to judgment of divorce.

HB 313, by Representative Weintraub, AN ACT relating to the establishment of a new city in Campbell County, Kentucky, to embrace certain existing cities and unincorporated territory adjacent thereto, and including provisions establishing an independent school district to be embraced within such new city.

HB 314, by Representatives Mackey, Hinkle, AN ACT relating to fishing and hunting.

HB 315, by Representative Burnley, AN ACT to amend the Constitution of the Commonwealth of Kentucky relating to the subject of Constitutional Conventions, repealing Sections 258, 259, 260, 261, 262 and 263 and enacting a new Section 258 in lieu thereof.

HB 316, by Representative Searcy, AN ACT relating to motor vehicle exhaust equipment.

HB 317, by Representative Young, AN ACT relating to police courts.

HB 318, by Representative Kubale, AN ACT relating to offenses against the state and public justice.

HB 319, by Representative Kubale, AN ACT relating to police courts.

HB 320, by Representative Everett, AN ACT relating to motor vehicle operator's license.

HB 321, by Representatives Hill, Martin, AN ACT proposing an amendment to Section 100 of the Constitution of Kentucky relating to coroners.

HB 322, by Representative Hinkle, AN ACT amending KRS 161.620(3) to increase minimum benefits to members of the (Teacher's) Retirement System.

HB 323, by Representative Ockerman, AN ACT relating to compulation or codification of ordinances in cities of the second class.

HB 324, by Representative Hinkle, AN ACT relating to education.

HB 325, by Representative Day, AN ACT relating to compensation of members of the State Real Estate Commission and amending KRS 324.283.

HB 326, by Representatives Blue, Beshear, Breathitt, Greene, AN ACT relating to fees, compensation of public officers, employes.

HB 327, by Representatives Tanner, Cottengim, Vernon Reed, Lowman, Robert Reid, Sr., Hahn, Thomas, Blankenship, J. B. Reed, Conrad, Buchanan, Hadden, Melton, Bates, Lambert, Isler, McKinney, Peace, Davis, AN ACT relating to water pollution control.

HB 328, by Representatives Morgan, Billington, AN ACT relating to insurance and repealing Section 131.025 of the Kentucky Revised Statutes.

HB 329, by Representatives Morgan, Billington, AN ACT relating to insurance and amending Section 341.135 of the Kentucky Revised Statutes.

HB 330, by Representative Morgan, Billington, AN ACT relating to insurance and amending section 304.460 of the Kentucky Revised Statutes.

HB 331, by Representatives Morgan, Billington, AN ACT relating to insurance and amending KRS 304.099 of the Kentucky Revised Statutes.

HB 332, by Representatives Morgan, Billington, AN ACT relating to insurance and amending KRS 304.554 of the Kentucky Revised Statutes.

HB 333, by Representative Morgan, AN ACT relating to refund of tax paid on aviation motor fuel.

HB 334, by Representative Morgan, AN ACT relating to county claims.

HB 335, by Representatives Morgan, Billington, AN ACT relating to insurance and amending Sections 62.170, 62.180 and 62.190 of the Kentucky Revised Statutes.

HB 336, by Representatives Morgan, Billington, AN ACT relating to insurance taxation and amending KRS 136.340 of the Kentucky Revised Statutes.

HB 337, by Representatives Morgan, Billington, AN ACT relating to insurance and repealing sestion 161.360 of the Kentucky Revised Statutes.

HB 338, by Representative Morgan, Billington, AN ACT relating to insurance and amending KRS 342.010 of the Kentucky Revised Statutes.

HB 339, by Representatives Morgan, Billington, AN ACT relating to insurance and repealing section 342.011 of the Kentucky Revised Statutes.

HB 340, by Representative Davidson, AN ACT relating to education.

HB 341, by Representative Davidson, AN ACT relating to trees, plants, weeds and pests.

HR 25, by Representative Morgan, A JOINT RESOLUTION authorizing the Governor of the Commonwealth of Kentucky to call an annual conference on Education.

HR 26, by Representative Wilson, A CONCURRENT RESOLUTION commending Standard Oil Company and expressing appreciation to the Honorable C. B. Compton, Division Manager of Standard Oil for Kentucky.

HR 27, by Representative McCallum, A RESOLUTION inviting the Honorable Fred H. Morgan, a member of the House of Representatives of the General Assembly of the Commonwealth of Kentucky, and his famliy to present a program of songs before the House of Representatives.

Representative Morgan moved to adjourn until 10 A.M., January 27. Agreed.

FRIDAY, JANUARY 27, 1956

TWENTY-FIRST LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Carter Roberts, Church of the Nazarene, Frankfort.

Roll Call showed all present except Baumgardner, Breathitt, Breckinridge, Davidson, Embry, Lowman, Nunn, Nunnelley, Politte, Qualls, V. Reed, Tinsley, Walsh, Wathen, Weintraub, Wilson, who were granted leave of absence on motion of Representative Morgan.

Representative Isler moved that reading of January 26 Journal be dispensed with and that same be approved. Agreed.

Introduction of Resolution

HR 34 A, by Representative Harris, A JOINT RESOLUTION authorizing the Administratrix of the estate of William Omer Reffitt, deceased, to bring civil action against the Commonwealth of Kentucky and the Department of Highways, or either of them, in the Fayette Circuit Court.

Reference of Bills and Resolutions

The Speaker announced referral of the following Bills and Resolutions:

Labor and Industry: **HB 308**

State and County Government: **HB 309**

Health and Welfare: **HB 310**

Ways and Means: **HB 311, HB 320, HB 325, HB 326, HB 329, HB 330, HB 331, HB 332, HB 333, HB 334, HB 335, HB 336, HB 337, HB 338, HB 339, HB 341, HR 25**

Judiciary: **HB 312, HB 318, HB 319**

Municipalities: **HB 313, HB 317, HB 323, HB 327**

Conservation: **HB 314**

Suffrage, Election and Constitutional Amend.: **HB 315, HB 321**

Transportation and Highways: **HB 316**

Education: **HB 324, HB 322, HB 340**

Banking and Insurance: **HB 328**

Report of Committees

The Committee on Ways and Means reported **HB 283, HB 284, HB 300, HB 286, HB 299, HB 277, HB 137, HB 278, HB 155, HB 294, HB 264, HB 297, HB 285, HB 298, HB 301** with the expression of opinion that the same should pass.

Said bills read at length for the first time and ordered placed in the Calendar.

HB 283, AN ACT pertaining to motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall sell any new motor vehicle in this state nor shall any new motor vehicle be registered in this state unless the vehicle is equipped with safety glass wherever glass is used in the windshield, doors or windows.

(2) As used in this section, "safety glass" means any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken, or such other similar product as may be approved by the Department of State Police.

(3) The Department of State Police shall compile and publish a list of types of glass by name approved by the department as meeting the requirements of this section, and shall cause a copy of the list to be furnished to each county court clerk. No motor vehicle which is subject to the provisions of this section shall be registered unless it is equipped with an approved type of safety glass as required by this section, and the Department of State Police may prescribe and enforce such regulations as are necessary to effectuate this section. If the rules of the Interstate Commerce Commission differ the common carriers may elect to apply the rules of the Interstate Commerce Commission.

HB 284, AN ACT relating to the public educational system, its officers and employes, and their duties and compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 156.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Superintendent of Public Instruction shall call and conduct conferences of boards of education, superintendents, supervisors, principals, teachers, attendance officers and other regular public school employes, on matters relating to the condition, need and improvement of the schools. Personal traveling expenses incurred by those attending conferences called by the Superintendent of Public Instruction shall be a legitimate public expense and may be paid by boards of education.

(2) All superintendents of independent school districts and county school districts shall be members of an advisory council on

public education, who shall be subject to call by the State Superintendent of Public Instruction for conferences relative to matters affecting the state school program as a whole.

Section 2. Kentucky Revised Statutes 64.640 subsection (3) is amended to read as follows:

(3) The compensation payable out of the State Treasury to officers and employes subordinate to any office or position listed in subsection (2) of this section shall not exceed the maximum rate established pursuant to subsection (2) of this section for such office or position except (a) with respect to physicians as provided in KRS 64.655, (b) superintendents of schools as provided for in Section 64.600, and (c) employes of the Public Service Commission of Kentucky whose compensation shall be fixed, within constitutional limits, by the Division of Personnel of the Department of Finance with the approval of the Governor as provided in subsection (1) of this section.

HB 300, AN ACT relating to clerk's fees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The clerk of the Court of Appeals and the clerks of circuit courts, as far as the same will apply, shall receive for the following service the following fee:

For each attestation on order book or other court record---- .50c

HB 286, AN ACT relating to school officers and their compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.645 of the Kentucky Revised Statutes is hereby repealed.

Section 2. Section 64.600 of the Kentucky Revised Statutes to read as follows:

For the purposes of KRS 64.480 to 64.760, officers and employees of school districts are deemed to be officers and employees of the State, and their salaries shall be set by their respective employing boards, and in no instance shall their salaries exceed the maximum salaries provided for other officers whose jurisdiction or duties are coextensive with the Commonwealth of Kentucky, as provided for by Section 246 of the Constitution of the State of Kentucky.

HB 299, AN ACT relating to fees of circuit clerks; amending Section 64.020 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 64.020 of the Kentucky Revised Statutes is amended to read as follows;

(1) Circuit clerks shall be paid out of the State Treasury for the following services the following fees:

Certified list of grand or petit jurors to the sheriff or other officer	$0.25
Filing same when returned by sheriff, and writing names of jurors on slips of paper	.25
Order excusing juror, for each juror excused, except regular panel	.25
Noting names of standing jurors on order book	.25
Order for sheriff or other officer to summon other jurors, each order	.10
Noting on order book the allowance to grand or petit jurors, each	.02
Order appointing and swearing jury commissioners	.25
Furnishing to jury commissioners names of persons exempted from service	.25
Recording receipt of envelope of sealed return of jury commissioner, and the oath of clerk and deputy	.25
In Commonwealth cases, in addition to other fees, ten percent of all fines and forfeitures recovered in their respective courts and paid into the State Treasury	
In inquests on persons alleged to be feebleminded, lunatics or pauper idiots	$10.00

HB 277, AN ACT relating to loan and investment companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 291.120 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Any five or more persons may organize a loan and investment company in cities of the first, second, third and fifth class upon the terms and conditions and subject to the liabilities prescribed in KRS 291.120 to 291.160.

"(2) The name of the company shall not contain the word "bank". It shall not be necessary for any such company to use the word "incorporated" in addition to its corporate name, either in its place of business or on any printed or advertising matter.

"(3) The capital stock of any such loan and investment company shall not be less than $25,000 if located in a city of the first, second or third class or less than $12,500 if located in a city of the fifth class. Fifty percent of the capital stock shall be paid in cash before the company may transact any business other than that relating to its formation and organization, and the remainder of the capital stock shall be paid in in money within one year after the company is authorized to commence business at such times and in such amounts as the directors require."

HB 137, AN ACT relating to adoption.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) No person or persons shall offer, give or receive any money or other consideration, or thing of value in connection with the placing of any child for adoption, or in connection with the consent to adoption, or with the petition for adoption, except such charges and fees as may be approved by the court.

(2) No person or persons shall attempt, by fraud, misrepresentation, duress, or coercion, to bring about the illegal adoption of any child or adult in such a manner as to violate any provisions of this Act.

(3) Any person who violates any of the provisions of Sections 1 and 2 of this Act shall, upon conviction, be guilty of a felony and shall be imprisoned for a period of not less than two years nor more than five years.

(4) It shall be the duty of the Department of Welfare to enforce the provisions of this Act and to this end it may bring any appropriate action for provisional remedy or otherwise in addition to supervising enforcement of the criminal penalties herein provided.

HB 278, AN ACT amending KRS 278.502 so as to give certain carriers of coal or its derivaties a right of condemnation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Kentucky Revised Statute 278.502 is amended to read as follows:

Any corporation, partnership or individual engaged in or proposing to engage in constructing, maintaining or operating oil or gas lines or pipe lines for transporting or delivering oil or gas in public service, or constructing, maintaining or operating conduits, pipelines or conveyors as common carriers for the transportation of coal or its derivatives or engaged in or proposing to engage in the transportation of coal or its derivatives as common carriers by such conduits, pipelines or conveyors whether such conduits, pipelines or conveyors use a belt line or other system or arrangement of force as the propellent of the coal or its derivatives being transported thereby, may, if it is unable to contract or agree with the owner after a good faith effort to do so, condemn the lands and material or the use and occupation of the lands that are necessary for constructing, maintaining and operating its pipe lines, or conduits or conveyors, and all necessary machinery, pumping stations, appliances and fixtures, including tanks and storage yards, and telephone and telegraph lines for use in connection therewith and the necessary rights of ingress and egress to construct, examine, alter, repair, maintain, operate or remove such pipe lines, conduits or conveyors. The proceedings for condemnation shall be as provided in KRS 416.230 to 416.310.

HB 155, AN ACT to amend Chapter 317 of the Kentucky Revised Statutes relating to barbers and beauty specialists.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 317.090, subsection 3, of the Kentucky Revised Statutes, is amended to read as follows:

Not less than ten days prior to the date of any such lecture, clinic, demonstration, exhibition, convention or postgraduate course, the organization desiring to sponsor same, and the person desiring to appear shall file notice of their intentions with the Kentucky Board of Barbers and Beauty Examiners and shall satisfy the board that it is a recognized professional association and that the person seeking a temporary permit is capable of and may reasonably be expected to further the standards and professional knowledge of the beauticians attending. If, after reasonable investigation, the board is satisfied that said requirements have been met, it shall issue without charge a temporary permit to the sponsoring organization and to the said person. No such permit shall be valid for a period of more than ten days.

Section 2. Section 317.100 of the Kentucky Revised Statutes is amended to read as follows:

1. A person who has practiced barbering in another state or country may be accepted for examination for barber, required by KRS 317.050, if he:

a. (1) Is at least eighteen years of age;

(2) Is of good moral character and temperate habits; and

(3) Has a license as a practicing barber from another state or country that has substantially the same requirements for licensing as this state has; or,

b. Can prove by affidavits to the board's satisfaction that he:

(1) Has the educational requirements set forth in subsections (3) and (4) of KRS 317.040; and

(2) Has practiced as a barber in another state or country, not having a barber or beauty culture law, for at least three years before making application in this state.

2. A person who has practiced beauty culture in another state or country and is, or has been within one year, licensed therein, shall upon application and payment of fees, be granted a license to practice as a beauty specialist in Kentucky, provided the board determines after reasonable investigation that he:

a. (1) Is a resident of Kentucky and at least eighteen years of age:

(2) Is of good moral character and temperate habits; and

(3) Has been licensed from another state or country that has substantially the same requirements for licensing as this state has.

b. Where the state from which the applicant is licensed has substantially lower requirements for licensing than this state has, the applicant, upon proof that he can meet the requirements of subsections (1) and (2) of subsection "a" hereof, shall be licensed if investigation by the board shows that he has been actively engaged as a practicing beauty specialist for at least two and one-half consecutive years immediately prior to application.

c. An applicant from a state having no licensing law may be granted a license in Kentucky upon proof that he:

(1) Can meet the requirements of subsections (1) and (2) of subsection "a" hereof.

(2) Has practiced actively as a beauty specialist for at least three consecutive years, immediately prior to application in this state.

d. Before an applicant can be licensed in this state as a beauty specialist as provided in subsections b and c hereof, he must demonstrate to the satisfaction of the board that he is qualified by passing a practical examination which shall consist of required demonstrations. He must also take a written examination on the subjects of sterilization, sanitation, and the Kentucky law relating to beauty culture.

Section 3. Section 317.140 of the Kentucky Revised Statutes is amended to read as follows:

1. Section A of the board shall conduct examinations of applicants for barber, apprentice barber, and teacher of barbering not less than once each month at places determined by the board. Section B of the board shall conduct examinations of applicants for licenses for beauty specialist, apprentice beauty specialist, manicurist, and teacher of beauty culture not less than once each month. At the discretion of the respective sections, examinations need not be given during the months of June and July of each year. During December of each year, each section shall make its examination schedule for the following year, which shall be published by the board.

2. The examination of applicants for licenses as barbers, beauty specialist, apprentices and teachers of barbering and beauty culture shall include both a practical demonstration and a written and oral test, and shall embrace the subjects usually taught in schools of barbering and of beauty culture approved by the board. Examination for a license as a manicurist shall include written and oral tests in all matters pertaining to the nails, sterilization of tools and similar subjects, as taught in a regular manicuring course in accredited schools of beauty culture; provided, however, that nothing herein shall be construed to require examination not required by KRS 317.100 as herein amended.

Section 4. Section 317.240 of the Kentucky Revised Statutes is amended to read as follows:

1. The Board of Barbers and Beauty Examiners shall consist of six (6) members, three of whom shall be appointed at one time

and three of whom shall be appointed at another time. Regular appointments shall be made every two (2) years. The term of each member of the Board shall be two (2) years.

2. The Governor shall appoint as members of the Board, one Master Barber, one journeyman Barber, one unorganized Barber, one shop-owning beauty specialist, one non-shop owning beauty specialist, and one beauty specialist who may or may not be a shop owner.

b. The secretary of the Board shall be an ex-officio member of the Board with the privilege of casting a vote where the same is necessary to constitute a Forum or to break a dead-lock in the event of a vote on any issue, except that said secretary shall not have the right to cast a vote where the matter of his tenure of office may be at issue.

3. Members of the Board shall be citizens of this state, at least twenty-three years of age, and shall have been citizens of the United States and engaged in the practice of their occupations in this state for a period of at least five years prior to their appointment.

4. No person shall be eligible to be appointed to the board who is connected directly or indirectly with any barber school, beauty school, wholesale dealer of cosmetic supplies or equipment used by barbers, beauty specialists, manicurists or barber or Beauty culture schools or teachers.

5. No member of the Board shall teach barbering, beauty culture or manicuring while in office but this shall in no wise prevent a member of the Board from lecturing, teaching, or speaking at any convention held exclusively for beauty specialists as herein provided in subsection 2 of KRS 317.090.

6. The Board of Barber and Beauty Examiners shall be divided into two sections. Section A shall be composed of the members appointed to said board as barbers and shall have complete jurisdiction in the conducting of the examinations of applicants for licenses for barber, apprentice barber, and teacher of barbering. Section B shall be composed of three beauty specialists and shall have complete jurisdiction of the examinations of applicants for licenses for beauty specialist, beauty specialist apprentice, manicurist, and teacher of beauty culture. Other than as hereinabove provided, Section A and Section B shall meet together and, when, so meeting, a quorum of said members shall constitute the Board of Barbers and Beauty Examiners.

HB 294, AN ACT relating to convicts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 432.500 of the Kentucky Revised Statutes is amended to read as follows:

Any person who interferes with or interrupts the work of any convict who has been sent to any state penal institution and is employed outside the walls of the institution, or who gives or attempts to give, or sells or attempts to sell, to any convict whether he be employed outside the walls of the institution or confined within, any opium, cocaine or other narcotic or any intoxicating liquor, or firearm, weapon or explosive, except explosives used in line of duty, shall be confined in the penitentiary for not less than one nor more than five years. Any officer or guard of any state prison or any superintendent of any work being carried on by such convicts may arrest, without a warrant, any person violating this section. But, this section shall not prevent any physician in the practice of his profession from prescribing and delivering to any convict opum, cocaine or other narcotic, or intoxicating liquor, when he considers it necessary, if it is furnished with the consent of the person having charge of the convict.

HB 264, AN ACT relating to the practice of Optometry and amending Sections 320.210, 320.220, 320.280, and 320.300 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of Kentucky Revised Statutes is created to read as follows:

Section 1. The Board may pay the secretary-treasurer of the Board a salary of not more than nine hundred dollars per annum, may retain and pay private legal counsel and may make such other expenditures as, in the opinion of the Board, are reasonably necessary to the proper discharge of its functions; provided, however, such expenditures shall be paid out of the agency fund mentioned in Section 320.360 of the Kentucky Revised Statutes, and shall not exceed the funds there available.

Section 320.210 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Board" means the Kentucky Board of Optometric Examiners;

(2) "Practice of Optometry" means the employment of any means other than the use of drugs, medicine or surgery to examine the human eye, to determine the visual efficiency of the human eye, or to determine the powers or defects of vision; the prscribing, providing, furnishing, adapting, using or employing lenses, prisms, contact lenses, visual training, orthoptics, ocular exercise or any other means or device other than the use of drugs, medicine or surgery for the aid, relief or correction of vision;

(3) "Visual Aid Glasses" means and includes eyeglasses, spectacles or lenses designed or used to correct visual defects; provided,

however, that nothing in the provisions of this chapter shall be construed to limit or restrict the sale of sun-glasses designed and used solely to filter out light.

Section 320.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall practice optometry in this Commonwealth or hold himself out as being able so to do unless he is the holder of a license duly issued to him by the Board and registered in the manner provided by KRS 320.290.

(2) Such license to practice optometry shall not be required by physicians regularly licensed to practice medicine at any place in the Commonwealth of Kentucky.

(3) Nothing in this chapter shall be construed to prohibit persons from fitting, adjusting, or dispensing visual aid glasses or other lenses or appurtenances; provided, that such fitting, adjusting or dispensing is done upon the written prescription of a regularly licensed optometrist or physician, or as requiring such persons to be licensed under this chapter.

Section 320.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) All optometrists desiring to continue practice shall annually, prior to March 1, secure from the secretary-treasurer of the Board a renewal certificate upon the payment of a fee of not more than twenty-five dollars. Not later than February 15th, of each year the secretary-treasurer shall notify by mail, all optometrists of the renewal date and fee. Application for a renewal shall be upon such form as is prescribed by the Board and the optometrist shall furnish the information required by such form.

(2) Failure of any optometrist to secure his renewal certificate within sixty days after March 1, shall constitute sufficient cause for the Board to revoke his license.

(3) A renewal certificate shall not be granted to any applicant who has not, during the three years next preceding his application, regularly engaged in the practice of optometry as his principal means of livelihood for a period of at least twelve consecutive months. The provisions and requirements of this subsection shall not apply to periods during which such applicant was on active duty with the Armed Forces of the United States.

Section 320.300 of the Kentucky Revised Statutes is amended to read as follows:

It shall be unlawful and a violation of the provisions of this chapter for an optometrist or any other person, firm, company, corporation, partnership or other legal entity:

(1) To sell, fit or dispense visual aid glasses except upon the written prescription of an optometrist or physician regularly licensed to practice optometry or medicine;

(2) To practice optometry, directly or indirectly, or to hold himself out as being able so to do without first having obtained a license from the Board and filing the same with the clerk of the county in which he resides;

(3) To solicit, advocate or promote, or to seek to solicit, advocate or promote, the sale, distribution or dispensation of visual aid glasses by means of newspaper, radio, television, telephone, hand-bill, mail or window display advertising.

(4) If he writes a prescription for visual aid glasses, to receive any part of the price paid to a third person for filling such prescription; or for such third person to pay to the person writing the prescription any part of the price paid for filling such prescription;

(5) To practice optometry under any name other than his own.

HB 297, AN ACT relating to the licensing of motor vehicles and operators; amending Section 186.520 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.520 of the Kentucky Revised Statutes is amended to read as follows:

If an operator's license certificate is lost or destroyed, the person to whom it was issued may obtain a duplicate or substitute by applying in person to the Circuit Clerk of the County in which the original license certificate was issued, furnishing proof satisfactory to the Clerk that the license certificate has been lost or destroyed, and payment of One Dollar, of which seventy-five cents shall be retained by the clerk and twenty-five cents remitted to the State Treasurer.

HB 285, AN ACT relating to school districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 162.070 of the Kentucky Revised Statutes is amended to read as follows:

The contracts for the erection of new school buildings and additions and repairs to old buildings, except repairs not exceeding two thousand dollars, shall be made by the board of education to the lowest and best responsible bidder complying with the terms of the letting, after such advertisement for competitive bids as the board determines, but the board may reject any or all bids. All necessary specifications and drawings shall be prepared for all such work. The board shall advertise for bids on all supplies and equipment that it desires to purchase except where the amount of the purchase does not exceed one thousand dollars, and shall accept the bid of the lowest best bidder, but the board may reject any and all bids.

HB 298, AN ACT relating to the licensing of applicants for automobile driving permits.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Circuit Clerks shall receive a fee of 50c for preparing and acknowledging each application for a driver's instruction permit.

HB 301, AN ACT relating to Circuit Clerks; amending subsection (1) of Section 172.110 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 172.110 of the Kentucky Revised Statutes is amended to read as follows:

The Circuit Clerk shall be ex officio librarian of the county law library, and he shall see that county and state officials have access to the library at reasonable hours each day except Sunday and holidays. He shall receive a salary of not less than fifty dollars nor more than one hundred dollars per month for his services as librarian.

The Committee on Ways and Means reported **HB 112** with the expression of opinion that it should pass with committee amendment.

HB 112, AN ACT concerning the levy of license taxes in cities of the first class; the disposition of same among the sinking fund, general fund and special capital fund account of such cities; restriction on ad valorem tax for sinking fund purposes; issuance and enforcement of licenses; and declaring an emergency to exist.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 91.200 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The Board of Aldermen of every city of the first class, in addition to levying ad valorem taxes, may by ordinance impose license fees on franchises, provide for licensing any business, trade, occupation or profession, and the using, holding, or exhibiting of any animal, article, or other thing. License fees on such business, trade, occupation or profession for revenue purposes may be imposed at a percentage rate or rates not to exceed those hereinafter set forth on (a) salaries, wages, commissions and other compensations earned by every person within the city for work done and services performed or rendered in the city (all of such being hereinafter collectively referred to as "wages"), and (b) the net profits of all businesses, professions, or occupations from activities conducted in the city (hereinafter collectively referred to as "net profits"). Licenses imposed for regulatory purposes shall not be subject to such limitations as to

form and amount. No company that pays an ad valorem tax and a franchise tax shall be required to pay a license tax, and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company, or combined trust, banking and title business in this State, or in any other case where the city is prohibited by statute from imposing a license tax.

(2) The rate or rates fixed may be in accordance with either of the following plans:

(a) A rate on both "wages" and "net profits" of not to exceed one (1) percent; or

(b) On both "wages" and "net profits" of one (1) per cent of the first Five Thousand Two Hundred Dollars ($5,200) per annum, one and one-half (1½) per cent on the amount thereof exceeding Five Thousand Two Hundred Dollars ($5,200) per annum and not exceeding Ten Thousand Dollars ($10,000) per annum, and two (2) per cent on the amount thereof exceeding Ten Thousand Dollars ($10,000) per annum.

(3) License fees or taxes shall be collected by the commissioners of the sinking fund. The proceeds from such taxes shall be paid to the secretary and treasurer of the sinking fund until income from all sources of the sinking fund shall be sufficient to pay the costs of administration and the interest charges for the current fiscal year of the sinking fund, in addition to a sum sufficient to amortize the outstanding principal indebtedness of the city on a yearly basis in accordance with regularly used amortization tables.

(4) Revenues remaining after meeting the foregoing requirements shall be transferred to the city. Such revenues shall be credited to the general fund of the city as received until such receipts during the fiscal year of the city shall reach the sum of Five Million Dollars ($5,000,000). Any revenues in excess of said amount received during the fiscal year of the city shall be placed in an account designated "Special Capital Fund Account" and expended for capital improvements as hereinafter defined; provided, however, fifty (50) per cent of the revenues so deposited to such Special Capital Fund Account during each fiscal year (commencing with the fiscal year in which this section shall become effective), or any lesser amount retaining in said fund at the end of such fiscal year, may be transferred to the general fund of the city at the beginning of the succeeding fiscal year; provided further, that whenever the unencumbered balance remaining in said Special Capital Fund Account exceeds One Million Dollars ($1,000,000) at the beginning of any fiscal year such excess may be transferred to the general fund of the city; provided further that funds from the Special Capital Fund Account may be encumbered for purposes other than capital improvements only after transfer to the general fund.

(5) The term "capital improvements" as used in this section shall be limited to additions or improvements of a substantial and

permanent nature and services rendered in connection therewith, and shall include but not be limited to (a) the purchase of rights-of-ways for highways, expressways and the widening of existing streets, (b) the purchase of lands for park, recreational and other governmental facilities and for public off-street parking facilities, (c) the purchase, construction, reconstruction, renovation or remodeling of municipal buildings and facilities, (d) the replacement of machinery, wires, pipes, structural members or fixtures and other essential portions of municipal buildings, (e) the initial equipment of any newly-acquired facility wherein any essential governmental function of the municipality may be located or carried on, (f) the purchase and installation of traffic control devices and fire alarm equipment, (a) the reconstruction and resurfacing, but not routine maintenance, of streets and other public ways, (h) the acquisition of motorized equipment purchased as additions to, but not replacements for, existing equipment, and, (i) engineering and other costs incurred by the city in connection with the construction of public improvements financed under a special assessment plan or plans authorized in Chapter 93 of the Kentucky Revised Statutes.

(6) Ad valorem taxes for the benefit of the sinking fund shall not be levied unless the income of the sinking fund is otherwise insufficient to meet such requirements.

(7) Licenses shall be issued and enforced on such terms and conditions as may be prescribed by ordinance.

(8) If any section, paragraph, clause, or provision of this statute shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the remaining provisions.

Whereas, additional revenues from licenses in cities of the first class are needed immediately; and whereas, under the present law a large portion of such revenues are allocated for special purposes for which such cities have not present use; and whereas, such cities are in immediate need of unallocated funds for general uses, as provided for by this act, an emergency is hereby declared to exist, and this act shall be effective immediately upon its passage and approval by the Governor.

Representative Morgan moved that **HB 112** be amended as follows: "Amend printed copy of H. B. 112 on pages 2 and 3, section (2), lines 27 to 37 both inclusive, by striking Lines 27 to 37, both inclusive, and substituting therefor the following: '(a) a rate on both 'wages' and 'net profits' of not to exceed one and one-fourth percent (1¼%); or '(b) rates on both 'wages' and 'net profits' of one percent (1%) of the first Seven Thousand Five Hundred Dollars ($7,500.00) perannum and two per cent (2%) on the amount thereof exceeding Seven Thousand Five Hundred Dollars ($7,500.00) per annum.'" Adopted. Read at length for the first time and ordered placed in the Calendar.

The Committee on Muncipialities reported **HB 248, HB 157,** HB 214, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 248, AN ACT relating to Circuit Court Clerks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Circuit Court Clerks are hereby authorized to advertise in newspapers published and of general circulation in their locality not oftener than six times per year, the requirements for driver's and operator's license and Circuit Court Clerks are authorized to pay the costs of such advertising from the fees of the Circuit Court Clerks' office derived from sale of driver's and operator's license.

HB 157, AN ACT relating to assessment of corner lot for public improvements.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 94.303 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2) hereof with respect to any public improvement the cost of which is to be assessed on the basis of front or abutting feet, the city legislative body may provide, in the original ordinance for the improvement, that in the case of corner lots along the side of which the improvement extends, and against which, within fifteen years next preceding the date of the ordinance, an assessment was made for an improvement of the same class upon an intersecting street, the corner lot, to the extent its footage along the proposed improvement does not exceed 150 feet, shall be exempt from assessment for the distance of one-half of such footage or for a distance equal to the lot's frontage on the interescting street, whichever is less, and in apportioning the cost of the improvement among the various property owners such exempt footage shall not be counted as assessable footage.

(2) With respect to sewer line or water line improvements, the cost of which is to be assessed on the basis of front or abutting feet the city representative body may provide in the original ordinance for the improvement:

(a) If the property is presently served as of the date of the introduction of the ordinance proposing the improvement by a sewer line or water line of a type approved by the city, the property shall be exempt from assessment provided, however, that if under zoning ordinances in effect as of the date of the introduction of the ordinance proposing the improvement, the property could be subdivided into additional lots or parcels, the exemption shall not apply to that portion of the property which could be further subdivided.

(b) If the property is not being served by a sewer line or water line improvement of a type approved by the city, the corner lot shall be assessed for the improvement on the basis of the frontage of said lot and the side of said lot shall be exempt provided, however, that if under zoning ordinances in effect as of the date of the introduction of the ordinances proposing the improvement, the property could be subdivided into additional lots or parcels, the exemptions shall not apply to that portion of the property which could be further subdivided.

HB 214, AN ACT changing the classification of the city of Brandenburg in Meade County.

WHEREAS satisfactory evidence has been presented to the General Assembly that the population of the city of Brandenburg, in Meade County, is such as to justify its being assigned to the fifth class of cities.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The city of Brandenburg, in Meade County, is changed from the sixth to the fifth class of cities.

The Committee on Education reported **HB 195** and **HB 183** with the expression of opinion that they should pass. Read at length for first time and ordered placed in the Calendar.

HB 195, AN ACT relating to teachers' retirement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.620 of the Kentucky Revised Statutes is amended to read as follows:

(1) The retirement allowance of the member retiring for superannuation whose age of retirement is seventy years shall be one percent of his average annual prior-service salary for each year of prior-service credit plus one and one-half percent of his average annual compensation for each year of subsequent service between the years 1941 and July 1, 1954, plus a percentage in excess of one and one-half percent, to be determined by the actuary of the system and approved by the board of trustees, said determined percentage to be taken of his annual subsequent service salary for the years after July 1, 1954. The retirement allowance of a member retiring for superannuation whose age at time of retirement is less than seventy years shall be reduced to that amount which the value of the retirement allowance computed as provided in this section at age seventy will purchase as the actual age of retirement of the member, according to the actuarial tables in use by the system. Retirement allowance in final

amount at age of retirement shall be determined by an actuarial factor equivalent to one at age seventy. Said factors shall be determined by the actuary of the retirement system and approved by the board of trustees.

(2) For any member retiring on or after July 1, 1954, no retirement allowance shall be greater than one-half of the average annual compensation.

(3) Effective January 1, 1956, and including living retired members and members who retire subsequently, no retirement allowance shall be less than thirty dollars per service credit year, multiplied by the number of years of service credit, but by not more than thirty-five years. This minimum shall not be less than nine hundred dollars for thirty years service. A member eligible for retirement having less than thirty-five years of service credit shall receive not less than his or her number of years multiplied by twenty-five dollars, but in no case less than one hundred and twenty dollars. Any retirement allowance which has been or will be computed to be less than the applicable minimum herein provided shall be increased to said minimum.

HB 183, AN ACT relating to school districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.042 of the Kentucky Revised Statutes is amended to read as follows:

Upon a merger under the provisions of KRS 160.040 and 160.041 of an independent school district in a city of the first or second class with a county school district in counties containing a city of the first or second class, the members of the county board of education of the merged county school district shall be elected from the county school district at large.

The Committee on Judiciary reported **HB 95** with the expression of opinion that it should pass by way of committee substitute. Committee Substitute for **HB 95** read at length for the first time and ordered placed in the Calendar.

HB 95, AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 159.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each board of education shall, upon the nomination and recommendation of the Superintendent, appoint a director of pupil personnel and such assistants as are deemed necessary. Salaries of directors and assistants shall be fixed by the Board of Education.

(2) Directors of pupil personnel and assistants shall have the general qualifications of teachers and, in addition, shall hold a valid certificate issued in accordance with the rules and regulations of the State Board of Education. Certificates valid on January 1, 1956, for attendance officer shall hereafter be valid for the positions of director of pupil personnel. Such certificates shall be reissued or renewed in accordance with the terms of the State Board regulations applying at the date of issue.

Section 2. Section 159.090 of the Kentucky Revised Statutes is amended to read as follows:

The boards of education of two or more contiguos school districts may unite to form one attendance district and shall appoint such directors of pupil personnel as are necessary. The superintendents of the districts concerned shall jointly make the nominations and recommendations relating to the directors of pupil personnel to the boards of education meeting jointly, and a majority vote of each board shall determine all questions. The salary of directors of pupil personnel in united districts shall be borne by the employing boards in the proportion that the average daily attendance of each district bears to the total average daily attendance of the united district.

Section 3. Section 159.100 of the Kentucky Revised Statutes is hereby repealed.

Section 4. Section 159.110 of the Kentucky Revised Statutes is amended to read as follows:

Directors of pupil personnel and assistants shall be allowed their necessary and authorized expenses incurred in the performance of their duties. Each board shall bear the expense of its directors of pupil personnel and assistants incurred in its district.

Section 4. Section 159.120 of the Kentucky Revised Statutes is amended to read as follows:

The office of the superintendent of schools shall be the office of the director of pupil personnel and suitable space shall be provided therein or adjacent thereto for him.

Section 5. Section 159.130 of the Kentucky Revised Statutes is amended to read as follows:

The director of pupil personnel and his assistants shall be vested with the powers of peace officers, provided, however, that they shall not have the authority to serve warrants. They may investigate in their district any case of non attendance at school of any child of compulsory school age or suspected of being of that age. They may take such action in accordance with law as the superintendent directs. They may under the direction of the superintendent of schools and the board of education or the State Board of Education institute proceedings against any person violating any provisions of the laws relating to compulsory attendance and the employment of children. They may enter all places where children are employed and do whatever is necessary to enforce the laws relating to compulsory attendance and employment of children of compulsory school age. No person shall refuse to permit or in any way interfere with the entrance therein of a director of pupil personnel or in any way interfere with any investigation therein.

Section 6. Section 159.140 of the Kentucky Revised Statutes is amended to read as follows:

The director of pupil personnel shall:

(1) Devote his entire time to the duties of his office;

(2) Enforce the compulsory attendance and census laws in the attendance district which he serves;

(3) Acquaint the school with the home conditions of the child, and the home with the work and advantages of the school;

(4) Ascertain the causes of irregular attendance and truancy, and seek the elimination of these causes;

(5) Secure the enrollment in school of all children who should be enrolled and keep all enrolled children in reasonably regular attendance;

(6) Visit the homes of children who are absent from school or who are reported to be in need of books, clothing or parental care;

(7) Ascertain and report to the superintendent of schools in the district in which the child resides the number and cost of books and school supplies needed by any child whose parent, guardian or custodian does not have sufficient income to furnish the child with the necessary books and school supplies;

(8) Keep the records and make the reports that are required by law, by regulation of the State Board of Education and by the superintendent and board of education.

Section 7. Section 160.070 through 160.140 of the Kentucky Revised Statutes are hereby repealed.

The Committee on Judiciary also reported **HB 201, HB 247, HB 219, HB 252, HB 163, HB 227** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 201, AN ACT relating to judicial districts; creating the Forty-fifth Judicial District, fixing the time of holding courts thereof; changing the Sixth, and Thirty-eighth Judicial Districts as is necessary on account of the creation of the Forty-fifth Judicial District, and in order to comply with the meaning and intent of the Constitution with respect to the division of the state into judicial districts; providing for the continuance in office of the present circuit judges and commonwealth's attorneys of the Sixth, and Thirty-eight Judicial Districts and creating the offices of circuit judge and commonwealth's attorney for the new district established by this Act; providing for the holding of court and fixing the time in each district affected by this Act; and declaring an emergency to exist.

WHEREAS, the General Assembly has given due regard to the elements of territory, business, and population in the division of the state into judicial districts; and

WHEREAS, with such due regard, the General Assembly has found the following facts to exist:

1. That upon the basis of the entire population of the state, as of the last preceding Federal Census, additional judicial districts may be established to those now existing, pursuant to Sections 128, 132, and 138 of the Constitution.

2. That the County of Daviess contains a city of more than 20,000 inhabitants and has a population, including said city, of more than 40,000, and thus has the privilege, under Section 138 of the Constitution, of constituting a judicial district.

3. That due to increased industrial development and the consequent increase in the business of the courts of the counties affected by this Act, it will expedite the business of the courts and will furnish needed relief from congested dockets and the delay in the trial of actions in the counties involved, will be convenient and advantageous from the standpoint of territory, and will comply with the spirit and intent of the Constitution with respect to population, to create a new judicial district to consist of the counties of McLean and Muhlenberg and to change the Sixth Judicial District so that it will consist of the county of Daviess only, and the Thirty-eighth Judicial District so that it will consist of the counties of Butler, Edmonson, Hancock, and Ohio.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created the Forty-fifth Judicial District of Kentucky, which shall be composed of the counties of McLean, and Muhlenberg.

Section 2. The sixth Judicial District of Kentucky shall be composed of the county of Daviess only.

Section 3. The Thirty-eighth Judicial District of Kentucky shall be composed of the counties of Butler, Edmonson, Hancock, and Ohio.

Section 4. The present judge and commonwealth's attorney in each of said Sixth, and Thirty-eighth Judicial Districts, as now constituted, shall retain the said offices during the term of office for which they were elected or appointed.

Section 5. The offices of circuit judge and commonwealth's attorney for the new judicial district established by this Act, being the Forty-fifth Judicial District, are hereby created. The Governor shall appoint and commission a circuit judge and commonwealth's attorney for the Forty-fifth Judicial District created by this Act, each of whom shall hold his office until his successor is elected and qualified pursuant to the provisions of Section 152 of the Constitution of Kentucky.

Section 6. The courts in the Sixth Judicial District shall be held at the following times and places, to-wit:

Daviess County, at Owensboro: Continuous session.

Section 7. The courts in the Thirty-eighth Judicial District and in the several counties composing the same shall be held at the following times and places, to-wit:

Butler County, at Morgantown: The first Monday in March, the first Monday in June, and the first Monday in November, twelve juridical days each.

Edmonson County, at Brownsville: The third Monday in March, the third Monday in June, and the third Monday in November, twelve juridical days each.

Hancock County, at Hawesville: The first Monday in February, the first Monday in May, and the first Monday in September, twelve juridical days each.

Ohio County, at Hartford: The second Monday in January, the first Monday in April, the second Monday in July, and the first Monday in October, eighteen juridical days each.

Section 8. The courts in the Forty-fifth Judicial District and in the several counties composing the same shall be held at the following times and places, to-wit:

McLean County, at Calhoun: Second Monday in April, second Monday in July, and second Monday in December, eighteen juridical days each.

Muhlenberg County, at Greenville: Second Monday in January, second Monday in March, second Monday in May, second Monday in September, and second Monday in November, eighteen juridical days each.

Section 9. Whereas the trial dockets in many of the counties of said districts are now congested and have been for many months and business is being retarded by the failure of the courts to decide cases now pending before them, and it is necessary, in order that the decisions in such litigation may be expedited as quickly as possible, that this Act become effective immediately, and an emergency is hereby declared to exist. This Act shall become effective immediately upon its passage by the General Assembly and the approval by the Governor.

Section 10. The provisions of this Act and the sections thereof are declared to be severable; and if any paragraph, section or part thereof should be by the courts declared unconstitutional, it shall not affect the remainder of said Act.

HB 247, AN ACT relating to circuit courts.

WHEREAS, the General Assembly has given due regard to the elements of territory, business and population involved in the division of the State into Judicial Districts, and,

WHEREAS, with such regard, the General Assembly has found the following facts to exist:

(1) The entire population of the State as of the last Federal census is 2,944,806.

(2) That upon the basis of population, additional judicial districts may be established to the forty-four judicial districts now existing, pursuant to sections 132 and 138 of the Constitution.

(3) That the counties of Grayson, Breckinridge and Meade have a combined population of 42,013 as of the last Federal census.

(4) That the population of Hardin County was 50,312 as of the last Federal census and its population is rapidly increasing.

(5) That currently and heretofore the amount of business in the Hardin Circuit Court is heavy and there is a considerable backlog of cases pending before said court at this time and the business of the Hardin Circuit Court combined with the business of the Grayson, Breckinridge and Meade Circuit Courts make it difficult to properly take care of the business of all these Circuit Courts, the combined business of the Hardin, Grayson, Breckinridge and Meade Circuit Courts as the ninth Judicial District as now existing is too much, and these counties should be re-arranged and re-grouped.

(6) That the counties of Grayson, Meade and Breckinridge join each other.

(7) That Hardin County has a large volume of cases from the Fort Knox Military Reservation.

(8) That it will be convenient and advantageous from the standpoint of business, territory and population and will comply with the spirit and intent of the Constitution and expedite the business of the courts, and make it more convenient to the citizens of the counties involved, to create a new Judicial District for the counties of Grayson, Breckinridge and Meade, and to change the Ninth Judicial District so that it will be composed of Hardin County.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 23.040 of the Kentucky Revised Statutes is amended to read as follows:

The State is divided into forty-five circuit court districts, each to be composed of the following counties:

(1) *First District.* Ballard, Carlisle, Fulton, Graves and Hickman.

(2) *Second District.* McCracken.
(3) *Third District.* Christian, Lyon and Trigg.
(4) *Fourth District.* Caldwell, Crittenden and Hopkins.
(5) *Fifth District.* Henderson, Union and Webster.
(6) *Sixth District.* Daviess, Hancock and McLean.
(7) *Seventh District.* Logan, Simpson and Todd.
(8) *Eighth District.* Allen and Warren.
(9) *Ninth District.* Hardin.
(10 *Tenth District.* Bullitt, Hart, Larue and Nelson.
(11) *Eleventh District.* Green,Marion, Taylor and Washington.
(12) *Twelfth District.* Anderson, Henry, Oldham, Shelby, Spencer and Trimble.
(13) *Thirteenth District.* Boyle, Garrard, Lincoln and Mercer.
(14) *Fourteenth District.* Bourbon, Franklin, Scott and Woodford.
(15) *Fifteenth District.* Boone, Carroll, Gallatin, Grant and Owen.
(16) *Sixteenth District.* Kenton.
(17) *Seventeenth District.* Campbell.
(18) *Eighteenth District.* Harrison, Nicholas, Pendleton and Robertson.
(19) *Nineteenth District.* Bracken, Fleming and Mason.
(20) *Twentieth District.* Greenup and Lewis.
(21) *Twenty-first District.* Bath, Menifee, Montgomery and Rowan.
(22) *Twenty-second District.* Fayette.
(23) *Twenty-third District.* Estill, Lee and Owsley.
(24) *Twenty-fourth District.* Lawrence, Johnson and Martin.
(25) *Twenty-fifth District.* Clark, Jessamine and Madison.
(26) *Twenty-sixth District.* Harlan.
(27) *Twenty-seventh District.* Knox and Laurel.
(28) *Twenty-eighth District.* Pulaski and Rockcastle.
(29) *Twenty-ninth District.* Adair, Casey, Cumberland and Monroe.
(30) *Thirtieth District.* Jefferson.
(31) *Thirty-first District.* Floyd.
(32) *Thirty-second District.* Boyd.
(33) *Thirty-third District.* Letcher and Perry.
(34) *Thirty-fourth District.* Whitley and McCreary.
(35) *Thirty-fifth District.* Pike.
(36) *Thirty-sixth District.* Magoffin and Knott.
(37) *Thirty-seventh District.* Carter, Elliott and Morgan.

(38) *Thirty-eighth District.* Butler, Edmondson, Muhlenberg and Ohio.

(39) *Thirty-ninth District.* Breathitt, Wolfe and Powell.

(40) *Fortieth District.* Clinton, Russell and Wayne.

(41) *Forty- first District.* Clay, Jackson and Leslie.

(42) *Forty-second District.* Calloway, Livingston and Marshall.

(43) *Forty-third District.* Barren and Metcalfe.

(44) *Forty-fourth District.* Bell.

(45) *Forty-fifth District.* Grayson, Meade and Breckinridge.

Section 2. Sub-sections (9) and (45) of Section 23.050 of the Kentucky Revised Statutes are amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

* * *

(9) *Ninth District.* Hardin County, at Elizabethtown, continuous session.

(45) *Forty-fifth District.* Breckinridge County at Hardinsburg, on the first Monday in January for thirty juridical days; second Monday in May for twenty juridical days; first Monday in September for thirty juridical days.

Grayson County at Leitchfield, on the second Monday in February for thirty juridical days; on the second Monday in June for twenty juridical days; on the first Monday in October for twenty juridical days.

Meade County at Brandenburg, on the third Monday in March for thirty juridical days; first Monday in July for twenty juridical days; and first Monday in November for thirty juridical days.

Section 3. The present Circuit Judge and Commonwealth's Attorney for the Ninth District as now constituted, shall retain their respective offices for the time for which they were elected, for the Ninth District as it is changed under this Act; provided, however, that if either of them is not on the effective date of this Act a resident of Hardin County, he shall not be allowed to retain his respective office, unless he shall remove his residence, within a reasonable time, into Hardin County.

Section 4. The office of Circuit Judge and Commonwealth's Attorney for the new judicial district as established under this Act are hereby created. Until the regular election for Circuit Judges and Commonwealth's Attorneys, said offices shall be filled as provided in Section 152 of the Constitution for offices in which there is a vacancy.

Section 5. If any provision or portion of this Act, or the application of such provisions or portions to any judicial district affected hereby should be held invalid, the remainder of this Act, and the application of such remaining provisions shall not be affected thereby.

Section 6. Whereas, there is a considerable backlog of cases pending before the Hardin Circuit Court and the Circuit Courts of the counties of Grayson, Breckinridge, and Meade, an emergency is declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

HB 219, AN ACT to regulate judicial review of the final orders of boards, commissions and administrative agencies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In any case where proceedings before a Board, Commission or any other Administrative Agency of the Commonwealth or any of its political subdivisions affect the rights of a party to such proceedings and the final order of any such Board, Commission or Agency is appealable to circuit court or the Court of Appeals, but the review by the circuit court or the Court of Appeals is limited to a review of the record made before the Board, Commission or Agency appealed from, the court to which the appeal is taken shall, in addition to making any other determination required by law, examine any question of fact which may be involved and shall determine whether the findings of fact of the Board, Commission or Agency are supported by substantial evidence on the record considered as a whole.

Section 2. Any and all laws in conflict herewith are hereby repealed.

HB 252, AN ACT relating to the descent of real estate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 391.010 of the Kentucky Revised Statutes is amended to read as follows:

When a person having right or title to any real estate of inheritance dies intestate as to such estate, it shall descend in common to his kindred, male and female, in the following order, except as otherwise provided in this chapter:

(1) To his children and their descendants; if there are none, then

(2) To his father and mother, if both are living, one moiety each; but if the father is dead, the mother, if living, shall take the whole estate; if the mother is dead, the whole estate shall pass to the father; if there is no father or mother, then

(3) To his brothers and sisters and their descendants; if there are none, then

(4) To the husband or wife of the intestate; if there are none surviving, then

(5) One moiety of the estate shall pass to the paternal and the other to the maternal kindred, in the following order:

(a) The grandfather and grandmother equally, if both are living; but if one is dead, the entire moiety shall go to the survivor; if there is no grandfather or grandmother, then

(b) To the uncles and aunts and their descendants; if there are none, then

(c) To the great-grandfathers and great-grandmothers, in the same manner prescribed for grandfather and grandmother by subsection (a); if there are none, then

(d) To the brothers and sisters of the grandfathers and grandmothers and their descendants; and so on in other cases without end, passing to the nearest lineal ancestors and their descendants.

(6) If there is no such kindred to one of the parents as is described in subsection (5), the whole to go to the kindred of the other. If there is neither paternal nor maternal kindred, the whole shall go to the kindred of the husband or wife, as if he or she had survived the intestate and died entitled to the estate.

HB 163, AN ACT proposing to amend the Constitution of the Commonwealth of Kentucky relating to courts, amending Section 135 thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that the Constitution of the Commonwealth of Kentucky be amended, so that Section 135 thereof shall read as follows:

Section 135. No courts save those provided for in this Constitution shall be established, except that the General Assembly may, if it deems proper, establish, where needed, courts for the purpose of dealing with juveniles, domestic relations or traffic laws, and minor civil disputes, the same to be under the supervision of the regularly constituted courts; and further, if it deems necessary, the General Assembly may continue, limit, change or abolish the civil or criminal jurisdiction of the present magistrate courts and those of Justices of the Peace.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution, and under KRS 118.170 and 118.430.

HB 227, AN ACT relating to the "friend of the court".

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 403.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal court of any county may, by resolution, authorize the appointment of a "friend of the court". If the circuit court of the

county has but one judge, the appointment shall be made by the judge. If the court has two or more judges, the appointment shall be made by joint action of the judges, at the general term. The appointment shall be for a term of two years, subject to removal at the pleasure of the appointing authority. Vacancies shall be filled by appointment of the appointing authority for the unexpired term. The person appointed shall be a licensed practicing attorney. He shall take the Constitutional oath of office and shall give bond in such sum as may be fixed by the appointing judge or judges.

(2) It shall be the duty of the friend of the court to supervise and enforce the payment of sums ordered or adjudged by the circuit court in divorce actions to be paid for the care and maintenance of minor children. All persons who have been ordered or adjudged by the court, in connection with divorce actions, to make payments for the care and maintenance of children, shall, if so ordered by the court, make such payments to the friend of the court, and he shall see that the payments are properly applied in accordance with the order or judgment. However, if the court so directs, the payments may be made through the juvenile court of the county; in such case the friend of the court shall render such assistance as may be required in keeping records concerning such payments and in the enforcement of delinquent payments, and the circuit court may direct that a designated amount or portion of the funds appropriated by the fiscal court for expenses of the friend of the court be paid to the juvenile court as reimbursement for the expenses incurred by the juvenile court in connection with the handling of such payments. The friend of the court shall promptly investigate all cases where payments have become delinquent, and when necessary shall cause the delinquent person to be brought before the court for the purpose of compelling payment. He shall ascertain the facts concerning the care, custody, and maintenance of children for whom payments are being made, and shall report to the court all cases in which the children are not receiving proper care or maintenance, or in which the person having custody is failing to furnish proper custody. He shall make such other reports to the court as the court may require.

(3) In any action for divorce where the parties have minor children, the friend of the court, if requested by the trial judge, shall make such investigation as will enable him to ascertain all facts and circumstances that will affect the rights and interests of the children and will enable the court to enter just and proper orders and judgment concerning the care, custody and maintenance of the children. He shall make a report to the trial judge, at a time fixed by the judge, setting forth his recommendations as to the care, custody and maintenance of the children. He may request the court to postpone the final submission of any case to give him a reasonable time in which to complete his investigation.

(4) The friend of the court shall have authority to secure the

issuance by the court of any order, rule or citation necessary for the proper enforcement of orders and judgments in divorce actions concerning the custody, care and maintenance of children. In performing his duties under subsection (3) of this section he shall attend the taking of depositions within the county, and shall have authority to cross-examine the witnesses; in the case of depositions taken on interrogatories, he may file cross-interrogatories. He shall be duly notified of the time and place of the taking of depositions in all divorce actions where the parties have minor children, and shall attend the taking of all such depositions when he deems it necessary for the protection of the minor children, or when he may be directed by the court to attend.

(5) The friend of the court shall not directly or indirectly represent any party to a divorce action except as he is herein authorized to represent the minor children of parties to a divorce action, but if an allowance is made for the support of a mother and her infant child or children, he may proceed to enforce the payment of the allowance made to the mother also.

(6) The fiscal court of any county which has authorized the appointment of a friend of the court under this section shall, by resolution, fix a reasonable compensation for the friend of the court, and make a reasonable allowance for his necessary supplies, equipment and expenses, payable out of the general fund of the county, upon approval of the judge or judges appointing him. The compensation of the friend of the court in counties containing a city of the first class shall not exceed $3,600 per annum, and the allowance for expenses shall not exceed $1,200 per annum; and in all other counties the compensation shall not exceed $2,400 per annum, and the allowance for expenses shall not exceed $900 per annum.

Calendar

HB 125, HB 20, HB 172, HB 253, HB 135, HB 23, HB 158, HB 224, HB 223, HB 220, HB 162, HB 161, HB 107, HB 260, HB 258, HB 257, HB 250, HB 218, HB 216, HR 3, HR 19, HR A, SB 5 were taken from the Calendar and ordered read at length for the second time. Ordered placed in Orders of the Day.

Senate Mesage

Senate message announcing passage of **HB 61, HB 54, HB 52, HB 24, HB 19, HB 47, HB 4** with amendment, **SB 59** read by Clerk.

Orders of the Day

HB 76 taken from the Orders of the Day. Representative Burnley moved that it be placed on passage. Agreed. Read at length the third time. Representative Burnley moved the Previous Question. Agreed.

On roll call, the vote was yeas 54—Anderson, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Bridgers, Buchanan, Burnley, Bush, Cottengim, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Grigsby, Grundy, Hahn, Hawkins, Heyburn, Hilton, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Lambert, Martin, Melton, Miller, Moore, Murphy, Newsom, Ockerman, Peace, Ratcliffe, Ray, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Sloan, Tanner, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 17—Carter, Gullette, Highland, Hinkle, Johnson, Kubale, Mackey, McFadden, McKinney, Mullins, Parrish, Reynolds, Saylor, Searcy, Stith, Thompson, Williamson. **HB 76** was passed and the title agreed to.

Representative Burnley moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 7 taken from Orders of the Day. Representative Burnley moved that it be placed on passage. Agreed.

Representative Burnley moved adoption of the Committee Substitute. Agreed. Read at length the third time. Representative Burnley moved the Previous Question. Agreed.

On roll call, the vote was yeas 75—Anderson, Bates, Baumgardner, Beshear, Billington, Blankenship, Breathitt, Bridgers, Buchanan, Burnley, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Gullette, Hadden, Hahn, Hawkins, Heyburn, Highland, Hilton, Hinkle, Hislope, Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Ockerman, Parrish, Peace, Ratcliffe, Ray Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Sloan, Stith, Tanner, Thompson, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays 1—L. B. Wells. **HB 7** was passed and the title agreed to.

Representative Burnley moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 145 taken from the Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 67—Anderson, Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Bridgers, Buchanan, Bush, Casey, Caudill, Conrad, Cornett, Cottengim, Dunsil, Everett, Farmer, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Hilton, Hinkle, Holsclaw, C. S. Howard D. W. Howard, Isler, Johnson, Kubale, Lambert, Lowman, Mackey, McCallum, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Ockerman, Parrish, Peace, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Sloan, Stith, Tanner, Thompson, A. W. Wells, L. B. Wells, Wirsch, Young. Nays 3—Hill, Martin, Newsom. **HB 145** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 147 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed.

Representative Thompson moved to amend **HB 147** as follows: "Amend printed copy H. B. 147 on page 1, line four by striking the words 'school bus,' and substituting therefor the word 'stop.' " Adopted.

HB 147 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 74—Anderson Baumgardner, Beshear, Billington, Blankenship, Blue, Breathitt, Bridgers, Buchanan, Bush, Casey, Caudill, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Ockerman, Parrish, Peace, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Sloan, Stith, Tanner, Thompson, A. W. Wells L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 147** was passed and the title agreed to.

Senate Message

Senate message announcing adoption of **SR 44** and passage of **SB 51** and **SB 102** read by Clerk.

Orders of the Day

HB 63 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 61—Anderson, Bates, Baumgardner, Beshear, Blankenship, Breathitt, Bridgers, Buchanan, Bush, Casey, Caudill, Cornett, Davis, Day, Dunsil, Embry, Everett, Freeman, Griffin, Grigsby, Grundy, Gullette, Hadden, Harris, Hawkins, Heskamp, Heyburn, Highland, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Mackey, McCallum, McFadden, Melton, Miller, Moore, Morgan, Murphy, Ockerman, Parrish, Peace, Ratcliffe, Ray, V. Reed, H. V. Reid, Sloan, Stith, Tanner, Thompson, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays 5—Hill, Martin, Mullins, J. B. Reed, L. B. Wells. **HB 63** was passed and the title agreed to.

Representative Morgan moved that the vote by which said resolution was passed be reconsidered and said motion be laid on the table. Agreed.

HR 16 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed.

Representative Morgan moved that **HR 16** be amended as follows: "Amend HR 16 on page 1, line 3 by inserting the words 'and three hundred' between the words 'thousand' and 'dollars.' ". Adopted.

HR 16 read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 67—Anderson, Bates Baumgardner, Beshear, Blankenship, Breathitt, Bridgers, Buchanan, Bush, Casey, Caudill, Conrad, Cornett, Cottengim, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Johnson, Kubale, Lowman, Mackey, McCallum, McFadden, Melton, Miller, Moore, Morgan, Mullins, Murphy, Ockerman, Parrish, Ratcliffe, Ray, J. B. Reed, H. V. Reid, R. Reid, Sr., Searcy, Sloan, Tanner, Thompson, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HR 16** was passed and the title agreed to.

HB 210 was taken from Orders of the Day. Representative Morgan moved to place it on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 61—Bates, Baumgardner, Beshear, Blue, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davis, Dunsil, Embry, Everett, Farmer, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hadden, Harris, Hawkins, Heyburn, Highland, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Johnson, Kubale, Lowman, Mackey, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Murphy, Ockermen, Parrish, Peace, Ratcliffe, Ray, J. B. Reed, H. V. Reid, R. Reid, Sr., Searcy, Sloan, Stith, A. W. Wells, Wilson, Wirsch. Nays 3—Day, Mullins, Williamson. **HB 210** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and that the bill be laid on the Clerk's desk. Agreed.

Senate Message

Senate message announcing passage of **SB 62, SB 72,** and **SB 88** read by Clerk.

Introduction of Bills and Resolutions

HB 342, by Representative Breckinridge, AN ACT relating to political parties.

HB 343, by Representative Morgan, AN ACT relating to motor transportation and motor vehicles.

HB 344, by Representative Sloan, AN ACT proposing to amend Section 49 of the Constitution of Kentucky to provide that the General Assembly may provide for an election to take the sense of the people on the question of providing a bonus for citizens of Kentucky who served as members of the Armed Forces of the United States in any war.

HB 345, by Representative C. W. Howard, AN ACT relating to purebred cattle.

HB 346, by Representative Sloan, AN ACT relating to a Veterans Bonus and providing a sales tax on alcoholic beverages for payment thereof.

HB 347, by Representative Gullette, AN ACT relating to candidates for the office of county tax commissioner.

HB 348, by Representatives Davis, Harris, AN ACT relating to game and fish.

HB 349, by Representative Billington, AN ACT relating to pari-mutuel betting, repealing certain sections relating thereto.

HB 350, by Representative Billington, AN ACT relating to insurance.

HB 351, by Representative Young, AN ACT relating to counties.

HB 352, by Representative Kubale, AN ACT relating to the uniform Narcotic Drug Act.

HB 353, by Representative Bridgers, AN ACT relating to rebates.

HB 354, by Representative D. W. Howard, AN ACT relating to teacher's retirement.

HB 355, by Representative D. W. Howard, AN ACT to amend the Constitution of the Commonwealth of Kentucky relating to compensation of prosecuting attorneys, amending Section 98 thereof.

HB 356, by Representative Tanner, AN ACT relating to education.

HB 357, by Representative Burnley, AN ACT relating to county government.

HB 358, by Representative Hinkle, AN ACT relating to city classification.

HR 28, by Representatives Breckinridge, Davidson, A JOINT RESOLUTION providing for a study and report on the conduct of political campaigns, the organization, procedures and practices of the two major parties, and the laws of the Commonwealth pertaining to the election and appointment of public officers.

HR 29, by Representative McFadden, A JOINT RESOLUTION authorizing Mrs. Glenn Roy Nantz of London, Laurel County, Kentucky to sue the Commonwealth of Kentucky.

HR 30, by Representatives Saylor, Heyburn, A JOINT RESOLUTION directing the Commissioner of Highways to name a principal highway of the Commonwealth the 149th Infantry Regiment Memorial Highway, to place suitable placques thereon, and to designate such highways on highway maps.

HR 31, by Representative Caudill, A HOUSE RESOLUTION expressing the regret of the House of Representatives that Representative Carl Nunnelly is presently confined to a tuberculosis hospital, and extending its best wishes for his speedy recovery.

HR 32, by Representative Conrad, A CONCURRENT RESOLUTION requesting the Governor of the Commonwealth of Kentucky to appoint a commission to establish the boundary line of Bracken and Pendleton and Bracken and Mason Counties.

HR 33, by Representatives Hahn, Blue, A JOINT RESOLUTION authorizing land owners within the Sam Ferguson drainage district of Muhlenberg and McLean Counties, to sue the Department of Highways and the Commonwealth of Kentucky.

Enrollment Committee Report

Committee on Enrollment reported that **HB 61, HB 47, HB 19, HB 52, HB 54, HB** 24 had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 61, HB 47, HB 19, HB 52, HB 54, HB 24 delivered, signed by President of the Senate. Ordered delivered to the Governor.

Representative Burnley moved to adjourn until 8 P. M., Tuesday, January 31. Agreed.

TUESDAY, JANUARY 31, 1956

TWENTY-SECOND LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Joseph A. O'Dwyer, Church of the Good Shepherd, Frankfort.

Roll Call showed all present except Baumgardner, Beshear, Kubale, Murphy, Nunnelley, Saylor, Thomas, Weintraub, who were granted leave of absence on motion of Representative Morgan.

Representative Isler moved that reading of January 27 Journal be dispensed with and that same be approved. Agreed.

The Speaker appointed the following Committee to investigate the Executive Mansion, pursuant to **SR 11:** Representatives Wilson, Wirsch, Johnson, and Tinsley.

Senate Message

Senate message announcing passage of **HB 69, SB 24, SB 52, SB 75,** and **SB 74** read by Clerk.

Calendar

HB 283, HB 284, HB 248, HB 157, HB 214, HB 300, HB 286, HB 299, HB 277, HB 137, HB 278, HB 155, HB 294, HB 264, HB 297, HB 285, HB 195, HB 183, HB 112, HB 95, HB 298, HB 201, HB 247, HB 219, HB 252, HB 301, HB 163, HB 227 were taken from the Calendar and ordered read at length for the second time. Ordered placed in Orders of the Day.

Report of Committees

The Committee on Municipalities reported **HB 99** and **HB 327** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 99, AN ACT relating to planning and zoning in cities of third through sixth class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsections (1), and (7) of Section 100.010 of the Kentucky Revised Statutes are amended to read as follows:

As used in KRS 100.320 to 100.830, and Sections 11, 12 and 13 of this Act, unless the context requires otherwise:

(1) "Mayor" means the chief elected official of the city whether the official designation of his office is mayor, chairman of the board of trustees, or otherwise.

(7) "Commission" means planning commission.

Section 2. A new subsection of the Kentucky Revised Statutes Section 100.010 is created to read as follows:

"Planning Area" means a city and adjoining territory which, by reason of existing or future development, bears relation to the proper growth and development of the city.

Section 3. Section 100.540 of the Kentucky Revised Statutes amended to read as follows:

All regulations, restrictions, and boundaries may from time to time be amended or repealed. In case of a protest against the change, signed by the owners of thirty-five per cent or more either of the area of the lots included in the proposed change, or of those immediately adjacent in the rear thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots, an amendment shall become effective only upon approval of the commission and the legislative body, or if so disapproved by the commission, upon a favorable vote of a majority of the entire membership of the legislative body. KRS 100.530 shall apply to amendments.

Section 4. Section 100.550 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission shall make a zoning plan, including recommended boundaries of the various original districts and appropriate regulations to be enforced therein. A preliminary plan shall first be made and the commission shall hold public hearings thereon before the final plan is made and certified to the legislative body.

(2) The legislative body may exercise the powers conferred upon it by KRS 100.500 to 100.600 only upon the zoning plan being certified to it by the commission. No change in or departure from the zoning plan as certified shall be made unless such change or departure be first submitted to the commission and approved by it, or, if disapproved, receive the favorable vote of a majority of the entire membership of the legislative body.

Section 5. Section 100.560 of the Kentucky Revised Statutes is amended to read as follows:

(1) Forthwith upon enactment of a zoning ordinance, the legislative body shall provide for the appointment of a board of adjustment with powers to make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules contained in the ordinance.

(2) The board of adjustment shall consist of five members, each to be appointed for a term of three years, except that of the terms of members of all boards appointed next after the effective date of this Act two shall be for one year, two shall be for two years and one shall be for three years. The members shall be removable for cause by the appointing authority upon written charges and after public

hearing. Vacancies shall be filled by the legislative body for the unexpired term.

Section 6. Section 100.610 of the Kentucky Revised Statutes is amended to read as follows:

(1) In order to avail itself of the powers conferred by KRS 100.500 to 100.830, the legislative body of a third, fourth, fifth or sixth class city shall, by ordinance, create a planning commission.

Section 7. Subsection (1) of Section 100.620 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission shall consist of the mayor, one of the appointive administrative officials of the municipality selected by the mayor, and a member of the legislative body selected by the legislative body, as members ex officio, and four persons appointed by the mayor. All members of the commission shall serve, as such, without compensation, and the appointed members shall hold no other city office, except that one of the appointed members may be a member of the zoning board of adjustment. The term of ex officio members shall correspond to their respective official tenures, except that the term of the appointive administrative official selected by the mayor shall terminate with the term of the mayor selecting him. The terms of the other members shall be four years, and until their successors take office, except that the original terms of the four appointed members shall be one, two, three and four years respectively. For commissions in existence on the effective date of this Act, appointments for terms expiring next after such date shall be for such number of years, not in excess of four, as will result in the term of one member expiring each year thereafter.

Section 8. Section 100.650 of the Kentucky Revised Statutes is amended to read as follows:

The commission shall make and adopt a master plan for the physical development of the planning area. The plan with accompanying descriptive matter, shall show the commission's recommendations for the development of the territory, including the general location, character and extent of streets, subways, bridges, waterways, water fronts, playgrounds, squares, parks aviation fields, and other public buildings and other public property, and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any street, ground, open space, building, property, utility or terminal. The master plan shall also include a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises. As the work of making the whole master plan progresses, the commission may from time to time adopt and publish parts of it, any such part to cover one or more major divisions of the planning area or one or more of the funtional matters to be included in the plan. The commission may from time to time amend or extend the plan.

Section 9. Subsection (1) of Section 100.680 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever the commission has adopted the master plan of the planning area or of one or more major districts, no street, square, park, or other public ground or open space, or public building or structure, or public utility, whether publicly or privately owned, shall be constructed or authorized in the planning area or in the planned district until the location, character, and extent thereof has been approved by the commission.

Section 10. Section 100.750 of the Kentucky Revised Statutes is amended to read as follows:

If the planning commission fails to approve or disapprove the plat within thirty days after the submission of the plat to it, the plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand, unless the applicant for the commission's approval waives this requirement and consents to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission. Each plat submitted to the commission shall contain the name and address of a person to whom notice of a hearing shall be sent, and no plat shall be acted on by the commission without affording a hearing thereon. Notice of the time and place of the hearing shall be sent to the said address by mail not less than five days before the date fixed for the hearing. Similar notice shall be mailed to the owners of land immediately adjoining the platted land, as their names appear upon the plats in the county clerk's office and their addresses appear in the directory of the city or on the tax record of the city or county. Each plat approved by the commission shall be deemed a part of the city plan. Approval of a plat shall not constitute an acceptance by the public of any street or open space shown on the plat.

Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) By agreement with the legislative body of the city, the fiscal court of any county containing a city of the third, fourth, fifth or sixth class may, by resolution, join with the city in creating a joint planning commission for the purposes of KRS 100.500 to KRS 100.830.

(2) Whenever a joint planning commission is created as set out in subsection (1), all the provisions of KRS 100.500 to 100.550 and 100.570 to 100.830 shall apply except that the powers therein conferred upon the legislative body with respect to property located in the city shall be exercised by the fiscal court with respect to property located outside the city but within the planning area.

Section 12. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Forthwith upon enactment of a zoning ordinance and resolution by a city and county which has created a joint planning commisson, a board of adjustment shall be established by joint action of the legislative body and the fiscal court. The board of adjustment shall be authorized to make special exceptions to the terms of the ordinance and resolution in harmony with their general purpose and intent and in accordance with general or specific rules contained in the ordinance and resolution.

(2) The board of adjustment shall consist of five members, three to be appointed by the legislative body and two by the fiscal court. Terms of office shall be three years, except that of the original appointments by the legislative body, two shall be for one year and one for two years, and by the fiscal court, one shall be for two years and one for three years. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term by the appropriate appointing authority.

Section 13. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) A joint planning commission shall consist of the mayor or a city appointive administrative official selected by the mayor, a member of the city legislative body selected by such body, the county judge or a county appointive administrative official selected by the county judge, as members ex officio, and four citizens, three appointed by the mayor and one by the county judge. All members of the commission shall serve, as such, without compensation, and the appointed citizen members shall hold no other city or county office, except that one of the citizen members may be a member of the zoning board of adjustment. The terms of ex officio members shall correspond to their respective official tenures, except that the terms of the city and county appointive administrative officials shall terminate, respectively, with the terms of the mayor and county judge selecting them. The term of each appointed citizen member shall be four years, and until his successor takes office, except that the original terms of the three members appointed by the mayor shall be one, two and three years respectively, and the term of the member appointed by the county judge shall be four years.

(2) Members other than the member selected by the legislative body may, after a public hearing, be removed by the selecting authority for inefficiency, neglect of duty, or malfeasance in office. The legislative body may for like cause remove the member selected by it. Th removing authority shall file a written statement or reasons for the removal. Vacancies occuring otherwise than through the expiration of term shall be filled for the unexpired term by the appointing authority.

Section 14. Section 100.710 of the Kentucky Revised Statutes is repealed.

HB 327, AN ACT relating to water pollution control.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The provisions of KRS 220.550 to 220.650 to the contrary notwithstanding, the Water Pollution Control Commission shall not have the authority or power to require any municipality, political subdivision or government agency to construct new sewage disposal systems or treatment works or the modification, extension or alteration of existing systems and works until such time as the Federal Government makes available to such municipality, political subdivision or government agency funds in an amount sufficient to cover one-half of the cost of construction of such projects.

Reference of Bills and Resolutions

The Speaker announced referral of the following bills and resolutions:

Ways and Means: **SB 51, SB 59, SB 62, SB 72, HR 29, HR 30, HR 31, HR 32, HB 343, HB 346, HB 349**

Municipalities: **SB 102, HB 358**

Suffrage, Elections and Constitutional Amendments: **HB 344**

Transportation and Highways: **HR 33**

Agriculture and State Fair: **HB 345**

State and County Government: **HB 347, HB 353, HB 357, HR 28, HB 342**

Conservation: **HB 348**

Banking and Insurance: **HB 350, HB 351**

Judiciary: **HB 352, HB 355**

Education: **HB 354, HB 356**

Introduction of Bills and Resolutions

HB 359, by Representative Breckinridge, AN ACT relating to the Council on Public Higher Education in Kentucky, and making an appropriation.

HB 360, by Representative Breckinridge, AN ACT to provide a merit system of employment for county employees in counties containing a city of the second class.

HB 361, by Representative Breckinridge, AN ACT relating to tobacco research.

HB 362, by Representative Morgan, AN ACT concerning the economic and social welfare of individuals, including needy, neglected, dependent and delinquent children, and the organization, functions and duties of certain governmental units and agencies with respect thereto.

HB 363, by Representatives Morgan, Wathen, AN ACT relating to revenue and taxation.

HB 364, by Representative Morgan, AN ACT amending KRS 195.040.

HB 365, by Representatives Morgan, Wathen, AN ACT relating to occupational license taxes.

HB 366, by Representatives Morgan, Wathen, AN ACT pertaining to motor vehicles usage tax.

HB 367, by Representative Blankenship, AN ACT relating to the open season for game.

HB 368, by Representative Peace, AN ACT relating to social security.

HB 369, by Representative Morgan, AN ACT relating to unemployment insurance.

HB 370, by Representative Morgan, AN ACT relating to amusement taxes.

HB 371, by Representative A. W. Wells, AN ACT relating to the Department of Military Affairs.

HB 372, by Representatives Jennings, Lambert, AN ACT relating to traffic regulations.

HB 373, by Representative Bush, AN ACT relating to veterinarians.

HB 374, by Representative Newsom, AN ACT relating to establishment of public street lighting districts.

HB 375, by Representatives Newsom, J .B. Reid, AN ACT relating to elections on certain bond issues.

HB 376, by Representatives Freeman, R. Reid, Sr., AN ACT relating to personnel in state service.

HB 377, by Representative McFadden, AN ACT relating to alcoholic beverages.

HR 34, by Representative Breckinridge, A JOINT RESOLUTION authorizing the Administratrix of the Estate of William Omer Reffitt, deceased, to bring civil action against the Commonwealth of Ky. and the Dept. of Highways, or either of them, in the Fayette Circuit Court.

HR 35, by Representative Jennings, A JOINT RESOLUTION authorizing Walter Sublett of Ashland, Boyd Co., to sue the Commonwealth of Ky. and the Dept. of Highways.

HR 36, by Representative Flanery, A JOINT RESOLUTION extending congratulations to the city of Morehead and to Rowan County on the occasion of the respective Centennials.

Orders of the Day

HB 255 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 63—Anderson, Barnum, Bates, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Carter, Conrad, Cornett, Cottengim, Davidson, Davis, Embry, Everett, Farmer, Flanery, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Heyburn, Highland, Hinkle, Hislope, Holsclaw, Isler, Johnson, Lambert, Mackey, McCallum, Melton, Miller, Moore, Morgan, Murphy, Nunn, Ockerman Parrish, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, Wilson, Wirsch. Nays 7—Hill, Martin, Mullins, Newsom, J. B. Reed, Reynolds, L. B. Wells. **HB 225** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion laid on the table. Agreed.

Recess

Representative Morgan moved to recess for Senate hearing on **HB 45**. Agreed. At the appointed hour, the Speaker called the House to order.

Report on Enrolled Bills

Committee on Enrollment reported that **SR 11, HB 69** had been examined and found correctly enrolled. **SR 11, HB 69** signed in open session by the Speaker. Ordered delivered to the Senate.

HB 69 delivered, signed by President of the Senate. Ordered delivered to the Governor.

Introduction of Bills and Resolutions

HB 378, by Representative Breckinridge, AN ACT relating to the conduct of regular elections.

HB 379, by Representative Breckinridge, AN ACT relating to challengers at general, primary and special elections.

HB 380, by Representative Breckinridge, AN ACT relating to the contest of primary and regular elections.

HB 381, by Representatives Lowman, Blankenship, AN ACT relating to the sale of automobiles.

HB 382, by Representative Reynolds, AN ACT relating to taxes on wines and malt beverages, amending Section 243.720 of the Kentucky Revised Statutes.

HB 383, by Representative Hinkle, AN ACT relating to sick leave for teachers.

HB 384, by Representative Tanner, AN ACT relating to the ad valorem tax levy for school purposes.

HB 385, by Representative Davidson, AN ACT relating to traffic regulations.

HB 386, by Representative Reynolds, AN ACT relating to places of entertainment, excluding from the definition thereof certain types of clubs, amending Section 231.010 of the Kentucky Revised Statutes.

HB 387, by Representative Murphy, AN ACT prohibiting certain practices of discrimination by employers, employment agencies, labor organizations and others because of race, color, religious creed, ancestry, age or national origin.

HB 388, by Representatives Breathitt, Breckinridge, Melton, Gullette, Hinkle, Heyburn, Ockerman, Lowman, AN ACT prohibiting solicitation of legal business with expectation of pecuniary reward therefor, and providing penalty for same.

HB 389, by Representative Ockerman, AN ACT relating to cities of the second to sixth classes, inclusive; etc.

HB 390, by Representatives Gay, Carter, AN ACT relating to veterans.

HB 391, by Representative Gay, AN ACT changing the classification of the City of Hyden in Leslie County.

HB 392, by Representative Cottengim, AN ACT relating to wages and hours for women or minors.

HB 393, by Representative Lowman, AN ACT relating to firemen.

HB 394, by Representative Lowman, AN ACT relating to state support of education.

HB 395, by Representatives Farmer, Miller, Moore, AN ACT relating to public works.

HB 396, by Representative Cottengim, AN ACT relating to child labor.

HB 397, by Representative Cottengim, AN ACT relating to collection of wages.

HB 398, by Representative Hinkle, AN ACT relating to the Council on Public Higher Education in Kentucky.

HB 399, by Representatives Morgan, Billington, AN ACT relating to insurance and amending Sections 304.521 and 304.567 of the Kentucky Revised Statutes.

HB 400, by Representative Hinkle, AN ACT relating to flood control payments.

HB 401, by Representative Hinkle, Davidson, Tanner, Burnley, Ockerman, Moore, Robert Reid, H. V. Reed, Breckinridge, AN ACT relating to school districts.

HB 402, by Representative Hilton, AN ACT relating to public works.

HB 403, by Representative Hinkle, AN ACT relating to vocational education.

HB 404, by Representatives Holsclaw, Barnum, Murphy, Bridgers, Heyburn, Farmer, Miller, Anderson, Ray, Walsh, AN ACT relating to license fee revenue for certain boards of education.

HB 405, by Representative Barnum, AN ACT relating to an insurance fund for certain boards of education.

HB 406, by Representative Holsclaw, AN ACT concerning city-county metropolitan sewer districts and amending Section 76.090 of the Kentucky Revised Statutes.

HB 407, by Representatives Reynolds, Dunsil, Griffin, Peace, McFadden, McKinney, Gay, Buchanan, Bates, AN ACT relating to explosives and other blasting devices in mines.

HB 37 taken from the Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed.

Representative Hilton moved to amend **HB 37** as follows: "Amend printed copy of H. B. 37 on page 2, section 2, line 10 by deleting therefrom the date, 'July 1', and substituting in lieu thereof, the date 'January 1.'" Adopted.

Representative Johnson moved to amend **HB 37** as follows: "Amend printed copy of H. B. 37 on page 2, section 3, line 5 in lieu of the word 'Expect' substitute the word 'except.'" Adopted.

HB 37 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 78—Anderson, Barnum, Billington, Blankenship, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Mackey, Martin, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Sloan, Stith, Thompson, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 1—Blue. **HB 37** was passed and the title agreed to.

Representative Morgan moved that the vote by which the bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 161 taken from Orders of the Day. Representative Burnley moved that it be placed on passage. Agreed. Read at length the third time. Representative Burnley moved the Previous Question. Agreed.

On roll call, the vote was yeas 69—Anderson, Barnum, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davis, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Greene, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Highland, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Mackey, McKinney, Melton, Miller, Moore, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Sloan, Stith, Thompson, Walsh, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 0. **HB 161** was passed and the title agreed to.

HB 162 taken from Orders of the Day. Representative Burnley moved that it be placed on passage. Agreed. Read at length the third time. Representative Harris moved the Previous Question. Agreed.

On roll call, the vote was yeas 78—Anderson, Barnum, Bates, Billington, Blankenship, Blue, Breathitt, Bridgers, Buchanan, Burnley, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davis, Dunsil, Embry, Farmer, Flanery, Gay, Greene, Griffin, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Lambert, Mackey, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Sloan, Stith, Thompson, Walsh, Wathen, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 0. **HB 162** was passed and the title agreed to.

Representative Morgan moved that the vote by which the said bill was passed be reconsidered and the motion laid on the table. Agreed.

HR 3 taken from Orders of the Day. Representative Burnley moved to place on passage. Agreed. Read at length the third time. Representative Burnley moved the Previous Question. Agreed.

On roll call, the vote was yeas 79—Anderson, Barnum, Bates, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Mackey, Martin, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Sloan, Stith, Thompson, Walsh, Wathen, L. B. Wells, Wilson, Wirsch, Young. Nays 0. **HR** 3 was passd and the title agreed to.

Representative Morgan moved that the vote by which the resolution was passed be reconsidered and the motion laid on the table. Agreed.

HB 59 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed.

Representative Ray moved to amend **HB** 59 as follows: "Amend printed copy of H. B. 59 by striking from the title thereof the following words: in counties containing a city of the first class." Adopted.

HB 59 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 34—Anderson, Barnum, Billington, Breathitt, Breckinridge, Burnley, Caudill, Cottengim, Davis, Farmer, Gullette, Harris, Heyburn, Hilton, D. W. Howard, Martin, Miller, Moore, Morgan, Mulilins, Murphy, Nunn, Ockerman, Ratcliffe, Ray, H. V. Reid, Searcy, Stith, Tanner, Thompson, Walsh, Wathen, L. B. Wlls, Wilson. Nays 50— Bates, Blankenship, Blue, Bridgers, Buchanan, Bush, Carter, Casey, Conrad, Cornett, Davidson, Day, Dunsil, Embry, Everett, Flanery, Freeman, Gay, Greene, Griffin, Grundy, Hadden, Hahn, Hawkins, Highland, Hill, Hinkle, Hislope, Holsclaw, Isler, Jennings, Johnson, Mackey, McFadden, McKinney, Melton, Newsom, Parrish, Peace, Pollitte, Qualls, Rayburn, J. B. Reed, V. Reed, R. Reid, Sr., Reynolds, Sloan, A. W. Wells, Wirsch, Young. **HB** 59 was rejected.

Representative Holsclaw moved that the vote by which said bill was lost be reconsidered and said motion laid on Clerk's desk. Agreed.

Representative Morgan moved that **HR** A be taken from Orders of the Day and placed upon its passage. Agreed. **HR** A adopted by voice vote.

Senate Message

Senate message announcing passage of **SR** 40 read by Clerk.

Representative Morgan moved that **SR** 40 be committed. Agreed.

Introduction of Bills and Resolutions

HB 408, by Representatives Cottengim, Wirsch, AN ACT to regulate the construction, installation, repair, use and operations of boilers and unfired pressure vessels.

HB 409, by Representatives Bates, Hislope, AN ACT relating to strip mining.

HB 410, by Representative Ockerman, AN ACT relating to the pledging of assets by depositaries to secure public funds deposited therein, amending Section 287.330 of the Kentucky Revised Statutes.

Representative Morgan moved to adjourn until 1 P.M., February 1. Agreed.

WEDNESDAY, FEBRUARY 1

TWENTY-FOURTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Joseph A. O'Dwyer, Church of the Good Shepherd, Frankfort.

The roll call showed all present except Beshear, Davidson, Hill, Lambert, Melton, Nunnelley, Stith, Weintraub, who were granted leave of absence on motion of Representative Morgan.

Representative Isler moved that reading of January 31 Journal be dispensed ith and that same be approved. Agreed.

Reference of Bills and Resolutions

The Speaker announced referral of the following bills and resolutions:

Education: **HB 359, HB 383, HB 394, HB 398, HB 401**

Municipalities: **HB 360, HB 389, HB 391, HB 393**

Agriculture and State Fair: **HB 361**

Ways and Means: **HB 362, HB 363, HB 364, HB 365, HB 366, HB 369, HB 370, HB 374, HB 375, HB 376, HB 377, HB 382, HB 384, HB 386, HB 387, HB 392, HB 395, HB 396, HB 397, HB 399, HB 400, HB 403, HB 404, HB 405, HB 406, HB 408, HB 409, HR 34, HR 35, HR 36, SB 24, SB 52, SB 74, SB 75, SR 40**

Conservation: **HB 367, HB 373**

Judiciary: **HB 368, HB 388**

Suffrage, Elections and Constitutional Amendments: **HB 371, HB 378, HB 379, HB 380**

Transportation and Highways: **HB 372, HB 385**

Labor and Industry: **HB 381, HB 402**

Military Affairs: **HB 390**

Public Utilities: **HB 407**

Banking and Insurance: **HB 410**

Senate Message

Senate message announcing passage of **SB 45, SB 91, SR 22, HB 44** and **HB 45** read by Clerk.

Report of Committees

Representative Rayburn moved that **HB 100** be taken from the Committee on Suffrage, Elections and Constitutional Amendments.

On roll call, the vote was: Yeas 63—Anderson, Bates, Blankenship, Blue, Buchanan, Bush, Carter, Casey, Conrad, Cornett, Davidson, Davis, Day, Dunsil, Embry, Everett, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Highland, Hill, Hilton, Hinkle, Hislope, D. W. Howard, Isler, Jennings, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Mullins, Newsom, Nunn, Parrish, Peace, Qualls, Ratcliffe, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Sloan, Thomas, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 8—Breathitt, Breckinridge, Farmer, Heyburn, C. S. Howard, Morgan, Ockerman, Thompson.

HB 100 was delivered to Clerk's desk by the Chairman of the Committee on Suffrage, Elections and Constitutional Amendments. Read at length for the first time and ordered placed in the Calendar.

HB 100, AN ACT proposing to amend Section 49 of the Constitution of Kentucky to provide that the General Assembly may provide for an election to take the sense of the people on the question of providing a bonus for citizens of Kentucky who served as members of the Armed Forces of the United States in any war.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 49 of the Constitution of Kentucky be amended to read as follows:

The General Assembly may contract debts to meet casual deficits or failures in the revenue; but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed five hundred thousand dollars, and the moneys arising from loans creating such debts shall be applied only to the purpose or purposes for which they were obtained, or to repay such debts: Provided, the General Assembly may contract debts or repel invasion, suppress insurrection, or, if hostilities are threatened, provide for the public defense. Also, upon a majority vote of the qualified voters of Kentucky, taken at an election to be provided by the General Assembly, the General Assembly may provide that the Commonwealth shall issue bonds upon such terms as the General Assembly may prescribe to raise a sum of money sufficient in amount to pay each member of the armed services of the United States in any war, who at the time of service was a citizen of Kentucky, a bonus not in excess of five hundred dollars.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

The Committee on Transportation and Highways reported **HB 146** with expression of opinion that the same should pass with committee amendment.

HB 146, AN ACT relating to traffic regulations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130, to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, KRS 189.380, KRS 189.390, KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, or KRS 189.570 to 189.630, except subsection (1) of KRS 189.580, shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than ten dollars nor more than two thousand dollars, or imprisoned in the county jail for not more than one year, or both.

(2) (a) Any person who violates the weight provisions of KRS 189.221 or 189.222 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount equal to two cents per pound for each pound of excess load when the excess is 2,000 pounds or less, three cents per pound when the excess exceeds 2,000 pounds and is 3,000 pounds or less, five cents per pound when the excess exceeds 3,000 pounds and is 4,000 pounds or less, seven cents per pound when the excess exceeds 4,000 pounds and is 5,000 pounds or less, and nine cents per pound when the excess exceeds 5,000 pounds but in no case to exceed $500.

(b) Any person who violates any provision of subsections (3) and (4) of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, 189.280, or 189.490, for which another penalty is not specifically provided, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding $500.

(c) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to prejudice or affect the authority of the Division of Motor Transportation to suspend or revoke certificates of common carriers, permits of contract carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221 to 189.228 or any other Act applicable to motor vehicles, as provided by law.

(3) Any person who violates KRS 189.170 shall be fined not less than five nor more than fifty dollars for each day he operates a truck in violation of KRS 189.170.

(4) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not more than five dollars.

(b) Any person who violates subsection (5) of KRS 189.190 shall be fined not less than twenty-five nor more than two hundred dollars.

(5) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not less than fifteen nor more than one hundred dollars.

(b) Any peace officer who fails, when properly informed, to enforce KRS 189.210 shall be fined not less than fifteen nor more than one hundred dollars.

(c) All fines collected under this subsection, after payment of commissions to officers entitled thereto, shall go to the county road fund if the offense is committed in the county, or to the city street fund if committed in the city.

(6) Any person who violates subsection (3) of KRS 189.320 shall be guilty of a misdemeanor.

(7) Any person who violates subsection (1) of KRS 189.370 shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

(8) Any person who violates KRS 189.500 shall be fined not more than five dollars in excess of the cost of the repair of the road.

(9) Any person who violates KRS 189.510 shall be fined not less than ten nor more than fifty dollars.

(10) (a) Any person who violates subsection (2) of KRS 189.520 shall be fined, for the first offense, not less than twenty-five nor more than one hundred dollars and imprisoned not less than three nor more than thirty days, and for each subsequent offense he shall be fined not less than one hundred nor more than five hundred dollars and imprisoned for not less than thirty days nor more than six months.

(b) Any peace officer who violates subsection (3) of KRS 189.520 shall be fined not less than twenty-five nor more than one hundred dollars.

(11) Any person who violates KRS 189.530 shall be fined not less than twenty-five nor more than one hundred dollars or imprisoned not less than thirty days nor more than twelve months, or both.

(12) Any person who violates any of the provisions of KRS 189.550 shall be fined not less than ten nor more than one hundred dollars for each offense.

(13) Any person who violates subsection (2) of KRS 189.560 shall be fined not less than twenty nor more than one hundred dollars for each offense.

(14) The fines imposed by subsection (4) (a) and subsections (8) and (9) of this section shall, in the case of a public highway, be paid into the county road fund, and in case of a privately owned road or bridge be paid to the owner. These fines shall not bar an action for damages for breach of contract.

(15) Any person who violates any of the provisions of KRS 189.120 shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

(16) Any person who violates any provisions of KRS 189.575 shall, upon conviction thereof, be fined not exceeding twenty-five dollars.

(17) Any person who violates subsection (2) of KRS 189.231

shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

Read at length for the first time and ordered placed in the Calendar.

Representative Morgan moved that **HB 146** be amended as follows: "Amend printed copy of H. B. 146 on page 3, section 10, line A: 'Any person who violates Subsection (2) of KRS 189.520 shall be fined, for the offense, not less than $100.00 nor more than $500.00 and imprisoned not less than three nor more than thirty days, and for each subsequent offense he shall be fined not less than one hundred nor more than five hundred dollars and imprisoned for not less than three days nor more than three months.' " Adopted.

The Committee on Transportation and Highways reported **HR 33, HB 81** with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HR 33, A JOINT RESOLUTION authorizing land owners within the Sam Ferguson drainage district of Muhlenberg and McLean Counties, to sue the Department of Highways and the Commonwealth of Kentucky.

WHEREAS, there is a valley or drainage area in McLean and Muhlenberg Counties extending from the mouth of Cypress Creek at its confluence with Pond River southwesterly with said Creek to the Thomas Mercer farm about 2 miles northwest of Greenville; and

WHEREAS, it appears that the natural drainage system of said district has been altered and obstructed by a system of roads and bridges and levees constructed across said valley and along the east side of it by the Department of Highways of the Commonwealth of Kentucky at various times between the years of 1915 and 1956, they are: (1) Gravel Ford Bridge and approaches 1955; (2) Coffman's Bridge and approach, 1915; (3) Vickers Bridge and Highway 81, 1926; (4) Bryant's Bridge and Highway 138, 1955; (5) Strouds Bridge and Highway 85, 1925; (6) Bates Bridge and approaches 1915; and Highway 431 which runs parallel with said area between the towns of Moorman and Island; and

WHEREAS, it is claimed that great damage to said lands and owners thereof has resulted from the retardation of the flow of back water on its natural return to the channel of Green River which inundates said lands after recurrent floods and overflows of said river so as to damage growing crops and impede preparation of the soil for such crops, which has caused a dimunition in the market value of said lands for agricultural purposes.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the following named landowners in Muhlenberg County and McLean County situate within the boundaries of the Sam Ferguson drainage district be, and they are hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sum or sums as will fairly and reasonably compensate them or any one of them, for the injuries and damages, if any, sustained by him or them as a direct and proximate result of the negligence, or improper construction of bridges, levees, embankments or other obstructions placed there by said Highway Department or if any, their agents, officers and employees, in maintaining the Gravel Ford Bridge and apporach thereto, the Coffman Bridge and approaches thereto, the Vickers Bridge and Highway 81 which forms a levee or obstruction across the valley or district, Bryant's Bridge and Highway 138, Stroud's Bridge and Highway 85, Bates Bridge and approaches thereto, all of which structures and approaches span and extend across Cypress Creek (also known as Ferguson ditch) and said drainage area, and are claimed to impede the natural outward flow of surface water collected and backed-up into said district after recurring overflows of Green River, and also Highway 431 which is said to form a barrier parallel to and along the East side of said valley or drainage district. Their names and the amounts of damages claimed for each are the following: J. C. Hammock, $8,662.50; Mrs. Ollie Thomas, $5,062.50; V. B. Stringer, $6,075.00; J. H. Thomas, $7,245.00; B. A. Montgomery, $11,190.00; Hugh B. Nall, $22,500.00; Allen T. Nall, $22,500.00; Henry Bryant, $13,500.00; Mrs. W. W. Spicer, $8,700.00; L. M. Conrad, $30,000.00; Buck Dwire, $5,000.00; Lowell Eason, $5,175.00; Annie Iglehart, $16,350.00; Mack Ferguson, $36,000.00; Mrs. Harry Gatton, $13,065.00; Clevie Whitmer, $41,557.50; Tobe Gish, $16,717.00; Mack and Joe Ferguson, $5,250.00; Shelly DePoyster, $14,415.00; M. E. Purdy, $12,885.00; Golden Shown, $13,215.00; J. F. Gish and Tobe Gish, $5,625.00; Mrs. W. H. Browning, $5,512.00; Buell Richey, $6,315.00; C. C. Donovan, $8,265.00; Leo Ward, $6,638.00; W. G. Duncan Coal Company, $9,442.00; C. W. Watkins and J. S. Watkins, $7,162.00; Alvie Noffsinger, $6,900.00; Mack Ferguson and J. A. Whitmer, $8,700.00; James Clyde Miller, $7,875.00; Harry W. Gatton, $51,502.00; Ruth K. McHorg, $6,202; Gile Vincent, $6,712.00; Elvis Vincent, $8,707.00; Logan Galloway, $7,125.00; W. H. Scott, $5,902.00; Gertrude S. Ferguson, $11,250.00; Truman Stringer, $7,275.00; H. K. Kirtley and John Kirtley, $140,215.00; H. K. Kirtley, $73,390.00; J. C. Shutt and Tobe Gish, $12,732.00; Clay Bidwell, $5,625.00; E. H. Wood and Narvel Wood, $11,293.00; Mrs. Rena Brown, $18,750.00; Homer Nall, $9,982.00; Mrs. Mary Reno, $5,000.00; T. S. Morton, $12,000.00; Mrs. Clyde Markwell, $6,900.00; Bond Tie Company, $17,925.00; Mary Francis Chinn, $11,400; E. M. Addington, $12,525.00; Allen Powell, $7,500.00; Michael Pittakides, $7,500.00; I. H. Rineerson and Ashby Truman, $15,000.00; T. D. Ferguson, $15,000.00; James W. Harris, $15,000.00; Hollis Slaughter, $12,000.00; Clayton Ferguson and Paul Ferguson, $23,250.00; Margie Bullock, $10,900.00; Elbert Coke, $6,750.00; Floyd Grundy, $10,225.00; Les Burden, $13,750.00; Emmitt Miller,

$5,025.00; Glen Swift, $35,325.00; Narvel Wood, $15,000.00; Allen Roe Bryant, $33,750.00; Earl Bryant heirs, $33,750.00; Hubert Meredith, $52,500.00; Clarence Nall, $5,000.00; McMonama heirs, $19,488.00; Alice Millard and J. W. Drake, $5,000.00; Elvie Whitmer, $5,000.00; Jesse Lockey, $5,000.00; Paul Whitmer and Owen Nichols, $40,463.00;

Section 2. Said suits shall be for a sum or sums not in excess of $75.00 per acre for the lands so damaged and the total sum is not to exceed the amount set opposite the name of each of said land owners in Section 1.

Section 3. That the actions herein authorized and permitted may be brought in the Muhlenberg Circuit Court and the McLean Circuit Court according to the location of the various tracts of land, said Courts having jurisdiction respectively in the two counties affected, and Muhlenberg and McLean Counties being the counties in which the damages and injuries were incurred. Said suits shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That the actions hereby authorized may be brought by the various aggrieved parties in the manner provided in the Rules of Civil Procedure promulgated by the Court of Appeals of Kentucky for other similar actions against private persons or private corporations, including actions to be brought for persons under disability.

Section 5. That any party to actions hereinabove provided for may appeal from any judgment which may be entered by either the McLean Circuit Court or the Muhlenberg Circuit Court to the court of Appeals of Kentucky as in any other civil suits and said claims may be settled either before or after suits are filed by the Commissioner of the Department of Highways by and with the consent and approval of the Attorney General of Kentucky. If recovery is had by suit or compromise the amount so adjusted or compromised shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 6. No statement in this resolution shall be considered by either the Court or jury as an admission of liability upon the part of the Commonwealth, and this resolution shall not be introduced in evidence, nor commented upon by counsel in argument to the jury.

HB 81, AN ACT relating to motor vehicle operators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 186.020

to 186.070, 186.110, 186.130 to 186.180, 186.210, 186.230 or 186.250 shall be fined not less than ten nor more than one hundred dollars for each offense.

(2) Any person who violates any of the provisions of KRS 186.190 or 186.200 shall be fined not less than ten dollars nor more than two thousand dollars or imprisoned for not more than one year or both.

(3) Unless another penalty is provided by law, any person who violates any of the provisions of KRS 186.400 to 186.640 shall be fined not less than two dollars nor more than five hundred dollars or imprisoned for not more than six months, or both.

(4) If it appear to the satisfaction of the trial court that any offender under KRS 186.400 to 186.640 has a driver's license but in good faith failed to have same on his or her person or misplaced or lost same, the court may, in its discretion, dismiss the charges against the defendant without fine, imprisonment or cost.

(5) Any clerk or judge failing to comply with subsection (1) of KRS 186.550 shall be subject to a penalty of one hundred dollars which shall accrue to the state and may be recovered with the costs of the suit in a civil action brought by the department.

(6) Any person who violates any of the provisions of subsection (2) of KRS 186.620 shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not less than thirty days nor more than six months, or both.

(7) Any person who steals a motor vehicle registration plate shall be guilty of a felony and shall be confined in the pentientiary for not less than one nor more than five years. Displaying a cancelled registration plate on a motor vehicle shall be prima facie evidence of guilt under this section.

The Committee on Banking and Insurance reported **HB 67** with the expression of opinion that it should pass by way of committee substitute. Representative Morgan moved adoption of the committee substitute. Agreed. Committee substitute for **HB 67** read at length for the first time and ordered placed in the Calendar.

HB 67, AN ACT relating to petty loan companies, and amending Section 288.150 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 288.150 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Every licensee may lend any sum of money not exceeding three hundred dollars, and may charge, contract for, and receive thereon interest at a rate not exceeding two and one-half percent per month on any part of the unpaid principal balance of the loan not in excess of one hundred and fifty dollars and one and one-half percent per month on any remainder of the unpaid principal balance of the loan.

(2) No amount whatsoever shall be paid, deducted, or received in advance. Interest shall not be compounded and shall be computed only on unpaid principal balances. The maximum interest permitted on loans shall be computed on the basis of the number of days actually elapsed and for the purpose of such computations a month shall be any period of thirty consecutive days. In addition to the interest provided for in this section no further charge or amount whatsoever for any examination, service, brokerage, commission, expense, fee, or bonus or any other thing shall be directly or indirectly charged, contracted for, or received, except the lawful fees actually and necessarily paid out by the licensee to any public official for filing or recording in any public office any instrument securing the loan.

(3) No licensee shall induce or permit any borrower to split up or divide any loan nor permit any one borrower or any husband or wife individually or together to become indebted to him under more than one contract of loan at the same time if the actual amount of the indebtedness on any one of such contracts is in the amount or of the value of three hundred dollars or less and there is charged, contracted for, or received thereon, directly or indirectly, by any device, subterfuge, or pretense whatsoever, any interest, or consideration therefor greater than six percent per annum.

(4) No licensee shall directly or indirectly charge, contract for or receive any interest or consideration greater than six percent per annum upon any loan in the amount or of the value of more than three hundred dollars, or in any case in which the licensee permits any individual as borrower, guarantor, or surety for any borrower, or otherwise, to owe directly or contingently, or both, to the licensee at any time the sum of more than three hundred dollars for principal.

The Committee on Banking and Insurance reported **HB 127** with the expression of opinion that the same should not pass.

The Committee on Banking and Insurance reported **HB 267, HB 268, HB 269, HB 194, HB 329,** and **HB 262** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 267, AN ACT relating to banks and banking.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 287.405 of the Kentucky Revised Statutes is amended to read as follows:

"(1) No revocation, countermand or stop-payment order relating to the payment of any check or draft against an account of a depositor in any bank shall remain in effect for more than six months after the service thereof on the bank, unless the same be renewed, which renewals shall be in writing and which renewals shall be in effect for not more than six months from date of service thereof on the bank, but such renewals may be made from time to time.

"(2) No notice affecting a check upon which revocation, countermand or stop-payment order has been made before July 1, 1956, shall be deemed to continue for a period of more than six months thereafter."

Section 2. A new section of Kentucky Revised Statutes to be known as KRS 287.410 is created to read as follows:

"Where a check or other instrument payable on demand at any bank is presented for payment more than one year from its date, such bank may, unless expressly instructed by the drawer or maker to pay the same, refuse payment thereof and no liability shall thereby be incurred to the drawer or maker for dishonoring the instrument by nonpayment."

HB 268, AN ACT relating to banks and banking.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 287.030 of the Kentucky Revised Statutes is amended to read as follows:

"(1) No persons as individuals or copartners shall engage in the business of private banking in this state.

"(2) No bank or banking institution incorporated under the laws of another state shall transact any banking business in this state except to lend money.

"(3) No person shall, directly or indirectly, hold or own more than one-half of the capital stock of a bank or trust company, exclusive of stock held as collateral; but there is no limitation on the amount of capital stock that may be held by the United States or by a corporation in which the United States owns or holds a majority of the stock.

"(4) No bank incorporated under the laws of the Commonwealth of Kentucky shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, except that a bank may take property of any kind to satisfy or protect a loan previously made in good faith and in the ordinary course of business; and stock so purchased or acquired, shall, within six months from the time of its purchase, be sold or disposed of at public or private sale."

This sub-section shall not affect or modify in any way KRS 386.025, but said section shall remain in full force and effect.

HB 269, AN ACT relating to the collection, payment and dishonor of demand items by banks and the revocation of credit for, and payment of, such items.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

"(1) In any case in which a bank receives, other than for immediate payment over the counter, a demand item payable by, at or through such bank and gives credit therefor before midnight of the day of receipt, the bank may have until midnight of its next business day after receipt within which to dishonor or refuse payment of such item. Any credit so given, together with all related entries on the books of the receiving bank, may be revoked by returning the item, or if the item is held for protest or at the time is lost or is not in the possession of the bank, by giving written notice of dishonor, nonpayment, or revocation; provided that such item or notice is dispatched in the mails or by other expeditious means not later than midnight of the bank's next business day after the item was received. For the purpose of determining when notice of dishonor must be given or protest made under the law relative to negotiable instruments, an item duly presented credit for which is revoked as authorized by this section, shall be deemed dishonored on the day the item or notice is dispatched. A bank, revoking credit pursuant to the authority of this section, is entitled to refund of, or credit for, the amount of the item.

"(2) For the purposes of this section: (a) An item received by a bank on a day other than its business day, or received on a business day after its regular business hours or during afternoon or evening periods when it has reopened or remained open for limited functions, shall be deemed to have been received at the opening of its next business day; (b) The term "credit" includes payment, remittance, advice of credit, or authorization to charge and, in cases where the item is received for deposit as well as for payment, also includes the making of appropriate entries to the receiving bank's general ledger without regard to whether the item is posted to individual customers' ledgers; and (c) Each branch or office of a bank shall be deemed a separate bank.

"(3) The effect of this section may be varied by agreement."

HB 194, AN ACT relating to Insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.844 of the Kentucky Revised Statutes is amended to read as follows:

The lives of a group of individuals may be insured under a policy issued to the trustee of a fund established by two or more employers in the same industry or by two or more members of a non-profit association of employers which shall have been organized for purposes other than obtaining insurance and shall have been operating as a corporation under the laws of Kentucky for a period of not less than five years, or by one or more labor unions, or by one or more employers and one or more labor unions, which trustees shall be deemed the policyholder, to insure employes of the employers or members of the unions or association for the benefit of persons other than the employers of the unions or the association, subject to the following requirements:

(1) The persons eligible for insurance shall be all of the employes of the employers, or by the employes of the members of the association of employers or all the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to their employment by the members of the association or to all. The policy may provide that the term "employes" shall include retired employes, and the individual proprietor or partners if any employer is an individual proprietor or partners if any employer is an individual proprietor or a partnership. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employe of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership. The policy may provide that the term "employes" shall include the trustee or their employes, or both, if their duties are principally connected with such trusteeship.

(2) The premium for the policy shall be paid by the trustee either (a) wholly from funds contributed by the employer or employes of the insured persons, or by the association of employers, or by the union or unions, or all; or (b) partly from such funds and partly from funds contributed by the insured employes or members. No policy may be issued under the provisions of this section on which the entire premium is to be derived from funds contributed by the insured employes or members. A policy on which a part of the premium is to be derived from funds contributed by the insured employes or members may be placed in force only if at least seventy-five per cent of the then eligible employes of any employer unit participating in the trust, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured employes or members, must insure all eligible employes or members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at date of issue at least one hundred persons and not less than an average of five persons per employer unit; and if the fund is established by the members of an association of employers the policy may be issued only if: (a) either the participating employers constitute at date of issue at least sixty per cent of those employer members whose employes are not already covered from group life insurance, or the total number of persons covered at date of issue exceeds six hundred; (b) the policy shall not require that, if a participating employer discontinues membership in the association, the

insurance of his employes shall cease solely by reason of such discontinuance.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, associations of employers or unions. No policy may be issued which provides term insurance on any person which together with any other term insurance under any group life insurance policy or policies issued to the employers or any of them, or to the trustees of a fund established in whole or in part by the employers, or any of them, exceeds twenty thousand dollars.

HB 329, AN ACT relating to insurance and amending Section 341.135 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 341.135 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Finance may elect coverage for the workers of the department or any division or administrative unit thereof under subsection (3) of KRS 341.250 and the Workmen's Compensation Law of this state. In the event such coverage is elected the payment of contributions under KRS Chapter 341 and premiums under the Workmen's Compensation Law shall be deemed a proper cost of administration.

(2) If and when the Congress of the United States amends the Federal Social Security Act so as to extend its provisions to include state employes, the commissioner may take such actions as are necessary to extend the benefits of such Act to the employes of the department or any division or administrative unit thereof. In the event of such extension the contributions required of the department as the employer shall be deemed to be a proper cost of administration and the contributions required of the employes shall be withheld by the department.

HB 262, AN ACT relating to insurance solicitors and amending Section 304.534 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.534 of the Kentucky Revised Statutes is amended to read as follows:

The commissioner shall license as a solicitor an individual only who meets the following requirements:

(1) Is a resident of this state.
(2) Is 18 years of age or older.
(3) Is to represent but one licensed agent.

(4) Has passed any examination as required under KRS 304.510 to 304.574.

(5) Is otherwise qualified under this code.

The Committee on State and County Government reported **HB 193, HB 131, HB 239, HB 28** with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 193: AN ACT relating to election precincts using voting machines.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 125.180 of the Kentucky Revised Statutes is amended to read as follows:

"The provisions of the general election laws as to the number of voters to be contained in each election precinct shall not apply to precincts in which voting machines are designated to be used, and the county court, subject to the other provisions of the general election laws as to changing the boundaries of voting precincts, may change the boundaries of precincts or consolidate precincts so that a precinct in which voting machine is to be used may contain any number of registered voters not exceeding nine hundred and fifty."

HB 131: AN ACT relating to the terms of court for the Twenty-fifth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection (25) of Section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

Clark County, at Winchester, on the first Monday in April, twenty-four juridical days; on the second Monday in September and the fourth Monday in November, eighteen juridical days each.

Jessamine County, at Nicholasville, on the first Monday in March, the first Monday in June and the first Monday in November, twelve juridical days each.

Madison County, at Richmond, on the first Monday in February, the first Monday in May and the first Monday in October, twenty-four juridical days each.

Section 2. This act shall become effective on July 1, 1956.

HB 239: AN ACT relating to county buildings and the financing thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Upon the fiscal court adopting an order reciting the necessity of the financing of a county building or buildings of any type and requesting the county judge to appoint a County Buildings Commission, the county judge of such county shall thereupon appoint a County Buildings Commission composed of three members. That one of such members shall have his term of office designated as three years, one of such members shall have his term of office designated as two years and the remaining member shall have his term of office designated as one year. Upon the expiration of the term of office of each of these commissioners, the county judge shall appoint a commissioner to succeed him to serve for a term of three years. Each commissioner shall execute a bond to be approved by the county judge and shall be sworn to faithfully perform the duties of his position. Vacancies shall be filled by the county judge.

The commissioners shall elect a chairman, secretary and treasurer.

(2) The treasurer of the Commission shall pay out the funds of the Commission only upon presentation of warrants signed by the chairman and countersigned by the secretary of the Commission. The treasurer shall execute bond to the Commission in an amount fixed by the Commission.

(3) Such Commission shall be a public corporation and commission and shall be considered as a public agency and instrumentality of the county whose county judge appoints same, in order to finance projects under the provisions hereof.

(4) For the purpose of providing county buildings for county purposes, the county of which the members of such commission are residents may convey to the County Buildings Commission a fee simple title, with covenant of general warranty, to a site now held or hereafter acquired by such county.

(5) Every County Buildings Commission to which a site for a building has been conveyed, as provided in section (4) hereof, shall enter into a contract or contracts with some person for the erection on the site of a building with the necessary appurtenances according to the plans and specifications adopted by the County Buildings Commission and approved by the county.

(6) Immediately upon the approval of the plans and specifications, as provided in section (5) hereof, the county shall offer to lease the building for a term of one year from the time the building is completed and ready for occupancy. The lease, by its terms, shall give the lessee the option to extend the lease from year to year for periods of one year until the original term of the lease has been extended for the total number of years acceptable to the County Buildings Commission, not exceeding thirty years, at a rental which, if paid for the original term and for each of the full number of years for which the term is extended, will amortize the total cost of the erection of the building and appurtenances, provide an adequate maintenance fund and, in addition thereto, a sum sufficient to pay the cost of insuring the building against

loss or damage by fire and windstorm or other calamity in such sum as may be agreed upon by the parties thereto.

(7) Any County Buildings Commission may establish and erect county buildings and necessary appurtenances within the county, under the provisions hereof, for the purpose of supplying the county with adequate buildings necessary to carry out its duties and powers.

(8) (A) When any County Buildings Commission desires to construct a building under the provisions of section (7) hereof, the County Buildings Commission shall, by resolution, cause plans and specifications for the building to be duly made and filed in the office of the county clerk. The plans and specifications shall give a full description of the building to be constructed, the details thereof and the manner of construction. The plans and specifications shall be prepared by an architect selected by the County Buildings Commission and approved by the county. (B) If the plans and specifications are approved and if the county offers to lease the building under a lease of the kind provided in section (6) hereof, the County Buildings Commission shall cause its secretary to advertise for bids, and thereafter the County Buildings Commission, through its chairman, may contract for the construction of the building.

(9) For the purpose of defraying the cost of constructing or acquiring any buildings and appurtenances thereto under the provisions of section (7) hereof, any County Buildings Commission may borrow money and issue negotiable bonds. No such bonds shall be issued until the conditions of section (8) hereof have been complied with and until authorized by a resolution specifying the proposed undertaking, the amount of bonds to be issued and the maximum rate of interest the bonds are to bear, not exceeding 6 percent per annum. The resolution shall further provide that the building or buildings and appurtenances are to be constructed or acquired under the provisions hereof.

(10) All bonds issued under the provisions hereof may bear interest at a rate not exceeding 6 percent per annum, payable semi-annually, and shall be executed in such manner and be payable at such time, not exceeding thirty years from the date thereof, and at such place as the County Buildings Commission determines. The bonds shall be sold in such manner and upon such terms as the County Buildings Commission deems for its best interests.

(11) All bonds issued under the provisions hereof shall have all of the qualities of negotiable instruments and shall not be subject to taxation. If any of the officers whose signatures appear on the bonds or coupons cease to be such officers before delivery of the bonds, the signatures shall nevertheless be valid for all purposes, the same as if the officers had remained in office until delivery. The bonds shall be payable solely from revenue derived from the building, as provided in section 15 hereof, and shall not constitute an indebtedness of the County Buildings Commission within the meaning of the constitutional

provisions or limitations. It shall be plainly stated on the face of each bond that it was issued under the provisions hereof and does not constitute an indebtedness of the County Buildings Commission.

(12) All money received from any bonds issued pursuant to the provisions hereof shall be used solely for the settlement or erection of the building and necessary appurtenances, except that the money may be used also to advance the payment of the interest on bonds during the first three years following the date of the bonds. There shall be a statutory mortgage lien upon the building and appurtenances in favor of the holder of the bonds and coupons.

(13) The building and appurtenances shall remain subject to the statutory mortgage lien provided by section (12) hereof, until the payment in full of the principal and interest on the bonds. Any holder of the bonds or of any of the coupons may, either at law or in equity, protect and enforce the lien and may by action enforce and compel performance of all duties required herein, including the making and collecting of sufficient rents, the segregation of income and revenue and the application thereof.

(14) If there is any default in the payment of principal or interest on any of the bonds, any court having jurisdiction of the action may appoint a receiver to administer the building on behalf of the County Buildings Commission, with power to charge and collect rentals sufficient to provide for the payment of any bonds or obligations outstanding against the building and for the payment of operating expenses and to apply the income and revenues in conformity with the provisions hereof and of the resolution authorizing such bonds.

(15) At or before the issuance of the bonds, the County Buildings Commission, by resolution, shall set aside and pledge the income of the building into a special fund to be used and applied in payment of the cost and maintenance of the building. The resolution shall definitely fix the amount of revenues necessary to be set aside and applied for the payment of principal and interest on the bonds. The balance of the income shall be set aside for the reasonable and proper maintenance of the building, including a sufficient sum to pay the cost of insurance. The County Buildings Commission may provide by resolution any provision and stipulation it deems necessary for the administration of the income for the security of the bondholders.

(16) The sinking fund shall be deposited in a depositary selected by the County Buildings Commission. The deposit, where practicable, shall be continuously secured by a pledge to the County Buildings Commission of direct obligations of the United States, exclusive of accrued interest, at all times at least equal to the balance on deposit in the account or in some other manner acceptable to the purchasers or holders of the bonds. The securities shall be deposited with the County Buildings Commission or held by a trustee or agent satisfactory to such Commission. The sinking fund may be invested in direct obligations of the United States.

(17) If a surplus is accumulated in the maintenance fund equal to the cost of maintaining the building during the remainder of the calendar or fiscal year, as may be provided by the resolution required by section 15 hereof, and the cost of maintaining and operating the building for the succeeding like calendar or fiscal year, the excess over such amount shall be transferred to the sinking fund.

(18) The County Buildings Commission may issue refunding bonds for the purpose of providing funds for the payment of any outstanding bonds, in accordance with the proceedings prescribed for the issuance of the original bonds. The refunding bonds shall be secured to the same extent and shall have the same source of payment as the bonds which are refunded.

(19) If the County Buildings Commission finds that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued subject to the same procedure.

(20) When the county has paid rent sufficient to amortize the cost of erecting the building and appurtenances and to maintain the building and pay the cost of insurance, the County Buildings Commission shall thereupon convey the premises to the county and shall transfer any balance remaining in the funds provided for in sections 15 through 17 hereof to the account of the county.

(21) Notwithstanding any of the other provisions hereof, the County Buildings Commission may, by declaring its desire to do so, provide, in addition to all of the other provisions authorized herein, in connection with the issuance of its bonds, that such bonds shall be its general obligations and may, in connection with the issuance of its bonds, execute a mortgage deed of trust in favor of a trustee, providing that in the event of default by the Commission in the payment of interest or principal of its bonds or in the event of default of any other covenant contained in such mortgage deed of trust the trustee, upon behalf of the bondholders, may institute and carry through foreclosure proceedings, with the property secured by the mortgage deed of trust put up for sale on foreclosure proceedings, the proceeds of such sale to be used for the benefit of the bondholders. In connection with such plan of financing, such provisions may be inserted in the bonds themselves and in the mortgage deed of trust as may be necessary to protect the bondholders and in order to make such bonds salable with the lowest net interest cost to the Commission. If the County Buildings Commission declares its intent by resolution to follow the provisions of this section, and in order to do so it is necessarily inconsistent that the provisions of any other sections of this law be complied with, such other provisions of this law which are necessarily inconsistent with the provisions of this section shall not be complied with to the extent but only to the extent of such necessary inconsistency. If general obligations of the County Buildings Commission are issued pursuant to the provisions of this section, such obligations shall be general obligations

only of the County Buildings Commission as a public corporation and shall not be general obligations of the individual members of such County Buildings Commission to any extent. It is the intent of this section to permit the County Buildings Commission, if it desires to do so, to issue obligations under this section which may also be secured in the same way that obligations issued under the provisions of other sections of this law are secured, to the full extent this may be done consistent with the provisions of this section.

(22) The provisions hereof are additional and alternate methods for the acquisition of buildings by counties and do not include, alter, amend or repeal any other statute. No proceedings shall be required for the issuance of any bonds under the provisions of this law, except such as are prescribed herein.

(23) The provisions of this law are severable, and if any section, paragraph, clause or provision should ever be held to be invalid, it shall not affect the validity of the remaining provisions of this law, it being hereby declared to be the intent that the provisions which are valid shall be upheld and in full force and effect.

HB 28: AN ACT relating to county government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Effective on the first Monday in January, 1958, all counties having a population of 75,000 or over shall have a fiscal court consisting of the county judge and three commissioners elected from the county at large.

Section 2. Six months before the regular election for county officers in 1957, the county judge of counties having a population of 75,000 or over, who have not heretofore voted in favor of a fiscal court composed of the county judge and three commissioners, shall divide the county into three districts as nearly equal in population as practicable, and at the regular election for county officers in 1957, and every four years thereafter, there shall be elected by the voters of the entire county three commissioners, one from each district who, with the county judge, shall constitute the fiscal court.

Section 3. Commissioners elected under this Act shall take the oath of office, enter upon the discharge of their duties and serve as provided by subsection (3) of KRS 67.060.

Section 4. Eligibility of commissioners shall be determined according to the provisions of subsection (4) of KRS 67.060.

Report of Committees

The Committee on Executive and Legislative Affairs reported **SB 132** with expression of opinion that it should pass. Read at length for the first time and ordered placed in Calendar.

SB 132: AN ACT relating to fees, compensation of public officers, employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.190 of the Kentucky Revised Statutes is amended to read as follows:

Constables may collect, for the following services the following fees.

Making arrests in misdemeanor cases.	$0.50
Serving a summons in any civil case, on each defendant, before a justice of the peace.	.50
Serving a peace or search warrant, for each defendant.	1.00
Levying an attachment.	.50

Removing and taking care of any attached goods, live stock or other property taken under the attachment, a reasonable fee, to be allowed by the court.

Summoning a garnishee.	.50
Taking up a vagrant.	.50
Summoning a witness.	.20

Collecting money under execution or other legal process, taking a replevin or forthcoming bond, or for a stay of execution, the same commission that may be allowed a sheriff, and one percent more.

Collecting fee-bills, ten percent, to be deducted from the fee-bill.

Summoning and attending a jury.	1.00
Serving a notice on each person.	.25
Killing a mad dog.	1.00
Killing and burying a distempered horse, ass or mule.	3.00
Killing and burying any other cattle, per head.	2.00
Altering a stud, jackass or bull.	1.00

Any other services, the same fees allowed sheriffs for similar services.

The Committee on State and County Government reported **HB 27** with expression of opinion that it should pass with Committee Amendment.

HB 27: AN ACT relating to compensation of county commissioners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 67.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each county commissioner serving on a fiscal court may be paid out of the county treasury the following compensation for his services:

(a) In counties containing a city of the first class, a salary of five thousand dollars per annum, payable monthly;

(b) In counties containing a city of the second class, a salary of four thousand dollars, payable monthly;

(c) In counties not containing a city of the second class but having a population of 75,000 or over, a salary of three thousand six hundred dollars, payable monthly;

(d) In counties containing a city of the third or fourth class and population is under 75,000, a salary of not more than one thousand eight hundred dollars per annum, payable monthly;

(e) In other counties, the same compensation per day as justices of the peace receive under KRS 64.530.

Representative Morgan moved that **HB 27** be amended as follows: "Amend printed copy of HB 27 on page 2, section D, line 15 by striking the word 'one' and substituting the word 'two.'" Adopted. Read at length for the first time and ordered placed in the Calendar.

The Committee on Municipalities reported **HB 98** with expression of opinion that it should pass with Committee Amendment.

HB 98: AN ACT relating to zoning and planning in second-class cities and in counties containing such cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 100.010 of the Kentucky Revised Statutes is hereby amended to read as follows:

As used in KRS 100.320 to 100.990, unless the context requires otherwise.

(1) "Mayor" means the chief elected official of the city whether the official designation of his office is mayor, chairman of the board of trustees or otherwise;

(2) "Legislative body" means the chief legislative body of the city, whether it is a board of aldermen, general council, board of commissioners, or otherwise;

(3) "Streets" includes streets, avenues boulevards, roads, lanes, alleys, viaducts and other ways;

(4) "Subdivision" means the division of a tract of land into two or more divisions for the purpose, whether immediate or future, of sale or of building development and includes resubdivision;

(5) "County commissioners" means chief administrative or legislative body of the county;

(6) "Planning area" means the city and adjoining territory which by reason of existing or future development bears relation to the proper growth and development of the city.

(7) "Commission" means planning commission.

(8) "County area" means the unincorporated area of the county in which the second class city is located.

Section 2. Section 100.320 of the Kentucky Revised Statutes is hereby amended to read as follows:

Cities of the second class and counties containing such cities shall establish a planning commission for the city and county area in accordance with the provisions of Section 3 of this Act.

Section 3. Section 100.330 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Each commission shall consist of five "city members" and three "county members." Appointive members of the commission may be paid such compensation as may be prescribed jointly by ordinance of the city and resolution of the county legislative body or bodies but compensation per member shall not exceed ten dollars for each meeting attended, nor shall any compensation be paid for meetings in excess of twenty-five during any fiscal year.

(2) The city members shall be chosen in the following manner: The city manager and the city engineer shall be ex officio members of the commission. If there is no city manager, the mayor shall be an ex officio member. If there is no city engineer, the mayor shall appoint some other city administrative official to serve as an ex officio member. The mayor shall appoint the remaining three city members who shall be residents of the city and shall hold no other city or county office. All appointments by the mayor shall be subject to approval by the city legislative body.

(3) The county members shall be chosen in the following manner: The county judge shall designate one county appointive administrative official to serve as an ex officio member of the commission. The remaining two county members shall be chosen by the county judge and shall be residents of the county outside the limits of the city holding no other city or county office. All appointments by the county judge shall be subject to approval by the fiscal court.

(4) The citizen members initially appointed by the mayor shall hold office according to designation in their appointment, one of them for two years, and the others for terms of four years each, and upon the expiration of their respective terms, the successor of each shall hold his office for a term of four years. Vacancies in the offices of members appointed by the mayor shall be filled by successors appointed by the mayor for the unexpired term.

(5) The county citizen members initially chosen by the county

judge shall hold office for terms of three and four years respectively. Upon expiration of their respective terms, the successor of each shall hold his office for a term of four years. Vacancies in the office of the appointive county member shall be filled by a successor appointed by the fiscal court for the remainder of the term of office in which the vacancy has occurred.

(6) Where any ex officio member in the employment of the city or county vacates his official position he shall ipso facto vacate his office as a member of the commission. The terms of the ex officio members shall correspond to their respective official tenures, except that the terms of the city and county appointive administrative officials shall terminate respectively, with the terms of the mayor and county judge selecting them. Any incumbent otherwise qualified under this section shall hold office until his successor is chosen and qualified; provided, however, that appointed members may be removed by the appointing authority on written charges after a public hearing.

Section 4. Section 100.350 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The commission may make and adopt a master plan of the whole or any portion of the city and county area and it may make changes in the master plan when it deems it advisable.

(2) In the master plan the commission may provide among other things for changed regulations of all facilities for traffic, transportation or communication and for new or changed harbors, streets, street fixtures, bridges, subways, parks, playgrounds or any other public grounds or public structures or public improvements or appurtenances, and for the general location and extent of public utilities and terminals whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power or other purposes, and for the removal, relocation, widening, narrowing, abandonment or extension of any public ways or works or structures with a view to the systematic planning of the city and its environs.

(3) The commission may make and adopt plans for the control, development and preservation of historical landmarks, for the design and location of statuary and other works of art which are or may become the property of the city or the county and may make recommendations to any public authorities or to any persons in the city and county area concerning the location of any building, structures or works to be constructed by them.

(4) The commission may lay off and establish in the city and county area zones or districts of such number, shape and area as the commission believes are best to carry out the purposes of KRS 100.320 to 100.490, and from time to time change zones or districts as to area or boundary or location. The zones or districts shall be designated by maps or plans as well as by boundaries, and the boundaries may be expressed in general descriptive terms. The commission may make

and adopt maps or plans showing the zones or districts, or changes, with appropriate designations, and may prescribe and enforce regulations and restrictions on the construction, alteration, repair or use of buildings, structures or land, including the regulation and restriction of the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, and size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

(5) All regulations and restrictions shall be uniform for each class or kind of buildings throughout each zone or district, but the regulations or restrictions in one zone or district, may differ from those in other zones or districts.

(6) The commission may enter upon lands and make examinations and surveys for the purpose of exercising its powers.

(7) The commission may make, print and publish and distribute generally copies of any plan, map, report or recommendation made by it.

Section 5. A new section of the Kentucky Revised Statutes is hereby created to read as follows: In the preparation of the master plan the commission shall make a comprehensive study of present conditions and future growth of the city with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of accomplishing a coordinated and harmonious development of the city and its environs in accordance with present and future needs. The plan shall make adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

Section 6. A new section of the Kentucky Revised Statutes is hereby created to read as follows: The commission may adopt the plan as a whole by a single resolution or may adopt successive parts of the plan, corresponding with major geographical divisions or with functional subdivisions of the subject matter of the plan, and may adopt any amendment to the plan. Before the adoption of the plan or any part or amendment, the commission shall hold at least one public hearing on the plan, and give notice of the time and place by one publication in a newspaper of general circulation in the city. The adoption of the plan or any part or amendment shall be by resolution of the commission carried by the affirmative votes of not less than five members of the commission. The resolution shall refer expressly to the maps and other matters intended by the commission to form the plan, and the action taken shall be recorded on the map and descriptive matter by the signature of the chairman or secretary of the commission. An attested copy of the plan or part adopted shall be certified to the legislative body and to the county clerk for record.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Whenever the commission has adopted the master plan, or any part of the master plan or amendment thereto, of the city and county area or of one or more major districts thereof, no street, square, park, or other public ground, or open space or public building or structure, or public utility, whether publicly or privately owned, shall be constructed or authorized in the city and county area or planned district which does not conform to the recommendations of the plan until the location, character and extent thereof has been approved by the commission.

(2) In case of disapproval the commission shall communicate its reasons to the legislative body which may overrule the disapproval by the recorded vote of not less than a majority of its entire membership. If the public way, ground, space, building, structure or utility is one the authorization or financing of which is not within the jurisdiction of the legislative body, then the submission to the planning commission shall be by the body having jurisdiction and the commission's disapproval may be overruled by such a body by a vote of not less than two-thirds of its membership. If the commission fails to act on a proposal within sixty days after submission, approval shall be conclusively presumed.

Section 8. Section 100.360 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) All plats of the subdivision of lands within the planning area, and all instruments of dedication of land for public use, shall be submitted to the commission and approved by it in writing before they are offered for record or accepted by the legislative body. The approval of the commission shall not be deemed the legislative body's acceptance of the dedication of any street or other public ground shown on the plat or set forth in the instrument.

(2) No street or other public ground shown on a subdivision plat of land within the planning area shall be accepted by the city or county unless the plat and location have been approved by the commission. But the legislative body may submit to the commission an ordinance proposing to accept the dedication of any unapproved street or ground, and, if approved by the commission, the city or county may accept the dedication by a majority vote of its legislative body, or, if disapproved by the commission, the dedication may be accepted by a vote of not less than two-thirds of the legislative body.

(3) All plans, maps, regulations, and restrictions adopted by the commission shall be made in accordance with a comprehensive design to promote the public health, safety, morals or general welfare, by lessening congestion in the streets or by securing safety from fire,

panic or other dangers, or by providing adequate light and air, or by preventing overcrowding of land, or by avoiding the undue concentration of population, or by facilitating the adequate provision of transportation, water, sewerage, schools, parks, playgrounds or other public requirements. All regulations and restrictions shall be made with reasonable consideration of the character of each zone or district affected, and its peculiar suitability for particular uses.

Section 9. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

(1) No person or his agent shall subdivide any land, before securing the approval of the planning commission, in the manner prescribed in KRS 100.360, of a plat designating the areas to be sold, and no plat of a subdivision of land within the planning area shall be recorded by the county clerk until said plat has been approved by the commission and the approval entered thereon in writing by the chairman or secretary of the commission.

(2) No subdivider owning land composing a subdivision, nor his agent, shall transfer or sell or agree to sell any lot or parcel of land located within such subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has been approved as provided in KRS 100.360. Any such instrument of transfer, sale or contract shall be void and shall not be subject to be recorded, but any and all rights of such purchaser to damages, if any, are hereby preserved.

(3) The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt such owner or agent from the penalties provided for in subsection (1) of KRS 100.990, or deprive the purchaser of any rights or remedies he may otherwise have.

Section 10. A new section of the Kentucky Revised Statutes is hereby created to read as follows:

The commission shall have the same authority to reserve land for future acquisition for public streets and recreation areas as is given to the planning commissions of third, fourth, fifth and sixth class cities by KRS 100.790 to 100.830 for streets and the same procedure for reservation, acquisition and payment provided by those sections shall be applicable.

Section 11. Section 100.370 of the Kentucky Revised Statutes is hereby amended to read as follows:

The commission may employ and discharge city and regional planners, landscape and other architects, engineeers, draftsmen, clerks and other subordinates and obtain other professional services necessary for the performance of its functions.

Section 12. Section 100.420 of the Kentucky Revised Statutes is hereby amended to read as follows:

Any regulations, restrictions or boundaries established by the commission may from time to time be amended or repealed. But no change shall be made unless the change is approved by a majority vote of the entire membership of the commission and the ordinance or resolution adopting the change is approved by a vote of not less than a majority of the entire membership of the legislative body.

Section 13. Section 100.450 of the Kentucky Revised Statutes is hereby amended to read as follows:

Applications to the board of adjustment for special exception or relief by way of variance may be made by any property owner or tenant aggrieved, and appeals to said board may be taken by any property owner or tenant, or any city officer, department, board or bureau affected by any ruling of any administrative officer in the enforcement of KRS 100.320 to 100.490 or any ordinance or resolution enacted pursuant thereto.

Section 14. Section 100.460 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The board of adjustment shall fix a reasonable time for the hearing of any application for special exception or variance, or for the hearing of an appeal. It shall give public notice thereof by three insertions in some daily newspaper of general circulation in said city of the second class, the first of which insertions shall be published ten days prior to the day fixed for the hearing. Upon the hearing, any party may appear in person or by agent or by attorney, and the board shall decide the application or appeal within a reasonable time.

(2) An appeal from a ruling of an administrative officer shall be taken within the time provided by the rules of the board, by filing with the officer from whom the appeal is taken, and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

(3) An appeal stays all proceedings in furtherance of the action appealed from, unless, on one day's notice given to the party appealing, the officer from whom the appeal is taken certifies to the board of adjustment that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings may be stayed only by order of the board on application to it, and due cause shown, after notice to the officer from whom the appeal is taken, or by judicial proceedings.

Section 15. Section 100.470 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The board of adjustment may:

(a) Adopt rules and regulations for its own government, not inconsistent with any law, city ordinance or order or resolution of the fiscal court, with reference to the plans under consideration by the board;

(b) Hear and decide appeals and applications for special exceptions;

(c) Authorize, upon application for variance, such variances from the terms of the ordinance or of any plans, rules, or regulations made thereunder, as will not be contrary to the public interest, where a literal enforcement of the provisions of the ordinance, plans, rules or regulations would result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

(2) In exercising its powers, the board may reverse, affirm or modify an order or decision of an administrative official.

Section 16. Section 100.980 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used, in violation of any provision of KRS 100.031 to 100.097, the county attorney of such county or the city attorney of such city, as the case may be, or any property owner or occupant who would be damaged by such violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate action to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

(2) The county or city, or any municipality in the county, or any tax payer of the county, affected thereby, as the case may be, may file a petition in the circuit court of such county to enjoin a transfer, sale or agreement in violation of subsection (1) of KRS 100.093, and jurisdiction is hereby given to such circuit court to hear and determine all questions and issues properly brought before it in such proceeding.

(3) The proper city authorities may bring actions to prevent the use of land or the use, construction, alteration or repair of buildings or structures in violation of KRS 100.500 to 100.600, or of any ordinance or regulation made thereunder.

(4) A city may, by action in the circuit court, enjoin a transfer, or agreement to transfer land, prohibited by subsection (2) of KRS 100.730, or may recover the penalty allowed by subsection (6) of KRS 100.990 by civil action.

(5) A city or the fiscal court of the county in which the city is located, or the planning commission may bring an action in the circuit court to prevent, correct or abate the unlawful erection, construction, alteration, repair, maintenance, sale or use of any building, structure or land, or to prevent any act on or about such premises, in violation of KRS 100.320 to 100.490 or any ordinance or regulation made thereunder.

Section 17. Section 100.990 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Except as otherwise specifically provided in KRS 100.031 to 100.097, or in KRS 100.980 or in this section, any person, firm, or corporation violating any provisions of KRS 100.020 to 100.970 or of any ordinance, resolution or order, or adjustment or amendment thereto, passed, adopted or approved under authority of KRS 100.020 to 100.970, or any lawful order of the commission or the board or the zoning enforcement officer, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not more than twenty days, or both so fined and imprisoned. Each and every day during which such violation continues shall be deemed a separate offense.

(2) Any clerk violating subsection (2) of KRS 100.092 shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars.

(3) Any owner or agent who violates subsection (1) of KRS 100.093 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than three hundred dollars for each lot or parcel so transferred or sold or agreed to be sold.

(4) Any person who violates any of the provisions of KRS 100.500 to 100.600, or any ordinance or regulation made thereunder, is guilty of a misdemeanor.

(5) Any county clerk who violates the provisions of subsection (1) of Section 9 of this Act or subsection (1) of KRS 100.730 shall be fined not less than one hundred nor more than five hundred dollars.

(6) Any person who transfers or negotiates to transfer any land in violation of the provisions of subsection (2) of KRS 100.730 shall pay to the city a penalty of one hundred dollars for each parcel of land so transferred.

Section 18. Section 100.355 of the Kentucky Revised Statutes is hereby repealed.

Representative Morgan moved that **HB 98** be amended as follows: "Amend printed copy of 98 on page 7, section 7, line 5 by adding, after the word 'thereof' the words 'whose governing body has approved the master plan by resolution.'" Adopted. Read at length for the first time and ordered placed in the Calendar.

The Committee on Ways and Means reported **HB 332, HB 336, HB 331, HR 31, SR 24, SB 30, HB 333, HB 334, HB 343, HB 65, HB 311, SB 62, HB 330, HB 307, HB 290, HR 25, SB 35, HR 18, SB 16, HB 338, SR 40** with the expression of opinion that they should pass. Read at length for the first time and ordered placed in the Calendar.

HB 332: AN ACT relating to insurance and amending KRS 304.554 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.554 of the Kentucky Revised Statutes is amended to read as follows:

(1) An agent may place only a kind or kinds of business for which he is licensed with an insurer for which he is not a licensed agent, by placing such business through a licensed agent of such insurer. But an agent shall not solicit such lines of insurance, known by him to be unaceptable to insurers for which he is licensed, as do not come to him in the normal course of soliciting for acceptable lines.

(2) No licensee shall divide with others or share in any commission payable on account of insurance subject to this code except as follows:

(a) A resident agent may divide or share in commissions with other resident agents licensed to write the same kind or kinds of insurance.

(b) A resident agent and a non-resident agent shall divide among themselves in accordance with the provisions of KRS 304.099, commissions as to kinds of insurance for which both are licensed upon subjects of insurance owned by non-residents or located outside of this state.

(c) A resident agent and surplus line broker may divide commissions pursuant to KRS 304.590.

(3) No such licensee shall share a commission with any corporation unless such corporation is an insurance agency.

(4) In addition to other penalties provided therefor the license of any licensee violating or participating in the violation of this section shall be revoked and shall not be restored for a period of at least one year.

HB 336: AN ACT relating to insurance taxation and amending KRS 136.340 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 136.340 of the Kentucky Revised Statutes is amended to read as follows:

Every stock insurance company, other than life, doing business in this state shall, on or before the first day of March of each year, return to the Commissioner of the Department of Insurance a statement under oath of all amounts paid to the company or its representative, whether designated as premiums or otherwise, for insurance or services incident thereto, on property or risks in this state during the preceding calendar year or since the last returns were made, including amounts received for reinsurance on Kentucky risks from unauthorized companies, and shall give the name and location of, and the amount of premiums received by, each agent, whether designated as premium or otherwise, and the losses paid, and shall at the same time pay into the

State Treasury a tax of two dollars upon each one hundred dollars of such amounts paid to the company, less amounts returned on cancelled policies and policies not taken.

HB 331: AN ACT relating to insurance and amending KRS 304.099 of the Kentucky Revised Statutes:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.099 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in KRS 304.103, all policies covering subjects of insurance located or to be performed in this state which are placed by or through a licensed nonresident agent shall be countersigned by a duly licensed resident agent of the insurer.

(2) Except for the policies and bonds as enumerated in KRS 304.101, the countersigning resident agent and the non-resident agent shall share equally in the commissions derived from all policies requiring countersigning by this section.

HR 31: A RESOLUTION expressing the regret of the House of Representatives that Representative Carl Nunnelly is presently confined to a tuberculosis hospital, and extending its best wishes for his speedy recovery.

WHEREAS, the House of Representatives convened on January 3, 1956 for the regular session of the General Assembly of the Commonwealth of Kentucky; and

WHEREAS, Representative Carl Nunnelly was present at the beginning of the session but became ill early in the session and is now confined in a hospital in Paris, Kentucky; and

WHEREAS, it now appears that Representative Nunnelly will not be present in the House for the remainder of this session;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the House of Representatives does hereby express its regrets that Representative Nunnelly is confined to a tuberculosis hospital in Paris, Kentucky, and extends its best wishes for a speedy recovery from his illness and his return to his seat in the House.

SR 24: A JOINT RESOLUTION appropriating the sum of $2,100,000 to the Governor's General Emergency Fund.

WHEREAS, the State Fair Board and the State Property and Buildings Commission have incurred commitments on authorized projects in the sum of $2,100,000, and there are insufficient funds to meet such commitments,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the General Expenditure Fund to the Governor's General Emergency Fund for the remainder of the current fiscal year the sum of $2,100,000 for meeting the incurred commitments of the State Fair Board and the State Property and Buildings Commission, and to be expended by the Governor in his discretion in meeting the incurred commitments or for any emergency that he may determine requires any part of said fund. Any unexpended funds in the current fiscal year shall be carried over into the next.

Section 2. Whereas, it is necessary that the incurred obligations of the State Fair Board and the State Property and Buildings Commission be met at the earliest possible date, an emergency is declared to exist and this Resolution shall become effective immediately upon its passage and approval by the Governor.

SB 30: AN ACT relating to Agriculture and Horticulture.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 247.280 of the Kentucky Revised Statutes is amended to read as follows:

The outgoing president and treasurer of a farm bureau shall by the date of the annual meeting file with the county clerk full and detailed sworn reports of all receipts and expenditures of the corporation, showing from whom the sums were received and to whom they were paid, and for what purposes they were received or paid. A duplicate of the reports shall be laid before the members at the annual meeting.

Section 2. Section 247.290 of the Kentucky Revised Statutes is repealed.

Section 3. Section 247.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever the secretary and the treasurer of a county farm bureau organized under KRS 247.240 to 247.370 have certified to the fiscal court of the county that the bureau has not less than one hundred members who own or operate farms in the county and has a fund of not less than five hundred dollars in the possession of its treasurer, which fund was obtained from among its members by membership dues or otherwise, the fiscal court shall, subject to subsection (2), appropriate for county cooperative extension work out of the general fund of the county to aid in carrying on extension work in that county in Agriculture and home economics and in connection with the University of Kentucky, a sum equal to twice the amount of the said fund in the hands of the bureau.

(2) The total sum appropriated under this act by the fiscal court shall not, in any year, exceed:

(a) Five thousand dollars in any county having an assessed property valuation of twenty million dollars or more;

(b) Four thousand dollars in any county having an assessed property valuation of more than fifteen million dollars but less than twenty million dollars;

(c) Three thousand dollars in any county having an assessed property valuation of between ten and fifteen million dollars;

(d) Two thousand dollars in any county having an assessed property valuation of between five and ten million dollars; or

(e) One thousand five hundred dollars in any county having an assessed property valuation of not more than five million dollars.

(3) Nothing in this section shall prevent or prohibit a fiscal court from appropriating additional funds in support of Agricultural Extension work under provisions of KRS 247.080 and appropriations made under either section shall be expended as provided for in KRS 247.310.

Section 4. Section 247.310 of the Kentucky Revised Statutes is amended to read as follows:

All appropriations from fiscal courts shall be used in the payment of salaries and expenses of duly appointed extension service employees of the College of Agriculture and Home Economics of the University of Kentucky, serving in the county making the appropriation, or to pay for supplies or equipment for these employees.

Section 5. Section 247.320 of the Kentucky Revised Statutes is amended to read as follows:

The farm bureau may use part or all of the sums annually received as dues from its members in payment of dues or assessments levied or assessed against it by the state federation of farm bureaus or the American Farm Bureau Federation or in any manner designed to promote the best interests of its members.

HB 333: AN ACT relating to refund of tax paid on aviation motor fuel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 138.342 of the Kentucky Revised Statutes is amended to read as follows:

(1) Applications for refund shall on or before the last day of each month be made to the Department of Revenue on forms and in the manner prescribed by it for the refund of tax paid on aviation motor fuel used during the preceding month. Each application for a refund shall show the number of gallons of aviation motor fuel purchased during the preceding month; the date and quantity of each purchase;

the vendor from whom such fuel was purchased; the number of gallons on which refund is claimed; and such other information as the Department of Revenue may require. The application shall be made under oath.

(2) The Department of Revenue shall audit the application and make such other investigation as it deems necessary to determine whether it constitutes a proper claim. When the Department of Revenue is satisfied that a refund is proper it shall authorize ninety-five percent of the amount of the tax paid to be refunded as other refunds are made and the amount refunded shall be deducted from current gasoline tax receipts.

(3) When the Department of Revenue finds that an application for a refund contains a false or fraudulent statement or that a refund has been fraudulently obtained, the Department of Revenue shall refuse to grant any refunds to the person making such false or fraudulent statement or fraudulently obtaining a refund for a period of two years from the date of such finding.

HB 334: AN ACT relating to county claims.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created to read as follows:

All persons having claims against a county shall file their claims with the fiscal court clerk of the county. The claim shall be in writing and shall state the reason for the claim, who makes the claim, and the amount thereof. The clerk shall record all claims chronologically as filed with him. The fiscal court of each county at each meeting shall consider all claims against the county in the order filed with the clerk. The fiscal court shall be without authority to act on any claim not filed with the fiscal court clerk. In the event any claims are passed over without action by the court they shall be recorded by the clerk in the same order at the top of the list for consideration at the next meeting. The claims for the compensation due temporary county employees are subject to the above provisions. The payroll for county officials and regular county employees, principal, and interest on bonded indebtedness and contributions to a sinking fund to service bonded indebtedness are hereby exempt from the provisions of this section.

HB 343: AN ACT relating to motor transportation and motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 281.010 of the Kentucky Revised Statutes is hereby amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) The term "person" means any individual, firm, partnership, corporation ,company, association or joint stock association, and includes trustee, assignee, or personal representative thereof.

(2) The term "department" means the Department of Motor Transportation.

(3) The term "certificate" means a certificate of public convenience and necessity issued under this chapter to common carriers by motor vehicle authorizing their operation thereunder.

(4) The term "permit" means a permit issued under this chapter to contract carriers by motor vehicle and to persons engaging in the business of U-Drive-It.

(5) The term "state" means the Commonwealth of Kentucky.

(6) The term "interstate commerce" means commerce between any place in a state and any place in another state.

(7) The term "intrastate commerce" means commerce between any place in this state and any other place in this state.

(8) The term "highway" means all public roads, highways, streets and ways in this state, whether within a municipality or outside of a municipality.

(9) The term "city" means a municipality incorporated under the laws of this state.

(10) The term "motor vehicle" means any motor propelled vehicle used for the transportation of persons or property for hire on a public highway, including any such vehicle operated as a unit in combination with other vehicles, and including vehicles propelled by electric power obtained from overhead wires whether operating over rails or otherwise.

(11) The term "common carrier by motor vehicle" means any person who holds himself out to the general public to engage in the transportation by motor vehicle of persons or property in intrastate or interstate commerce over regular routes, except that persons holding irregular route common carrier authority granted by the Interstate Commerce Commission, taxicabs, and local cartage vehicles are not required to move over regular routes.

(12) The term "contract carrier by motor vehicle" means any person who, under individual contracts or agreements, engages in the transportation, other than transportation referred to in subsection (11) of this section, by motor vehicle of passengers or property in interstate or intrastate commerce.

(13) The term "carrier" or "motor carrier" means any person who owns, controls, operates, manages, or leases, except persons leasing to authorized carriers, any motor vehicle for the transportation of persons or property for hire upon any highway, and any person who engages in the business of U-Drive-It. It shall include common and contract carriers by motor vehicle, city and suburban buses, driveaways and U-Drive-Its.

(14) (a) A "city bus certificate" means a certificate granting authority only for the operation of motor vehicles transporting passengers for hire between points within the corporate limits of a city and over regular routes.

(b) A "city bus" is a motor vehicle operated under one or more city bus certificates.

(c) The term "city bus license" means a license plate issued for a bus authorizing its operation under one or more city bus certificates or a combination of city bus certificates and suburban bus certificates.

(15) (a) A "suburban bus certificate" means a certificate granting authority only for the operation of motor vehicles carrying passengers for hire within the confines of either one or more cities and their suburban area, or a suburban area, over regular routes but not granting authority to engage in intracity transportation.

(b) A "suburban bus" is a motor vehicle operated under one or more suburban bus certificates.

(c) The term "suburban bus license" means a license plate issued for a bus authorizing its operation under one or more suburban bus certificates.

(16) "Suburban area" means territory wholly within the State of Kentucky which extends not more than two air miles beyond the corporate limits of any municipality and one mile additional for each fifty thousand population or major fraction thereof, and, where one or more municipalities are contiguous of adjoining, the combined population of such contiguous or adjoining municipalities shall be considered in determining the suburban area of each such contiguous or adjoining municipality; provided, however, the department, may, from time to time, upon a showing as hereinafter provided, authorize and permit the holder of a suburban bus certificate to extend its operations beyond the territorial limits of any such city or cities for a distance not to exceed ten air miles, if said department finds:

(a) That the territory proposed to be served adjoins or is contiguous to said city; and

(b) That the territory proposed to be served has such density of population and that the physical, business, economic and social interest is such as to make it an integral part of the city to which it adjoins or is contiguous and that it would be in the public interest and to the benefit of persons residing in said territory that they be served by the holder of a suburban bus certificate.

(17) "Commercial area" means territory wholly within the State of Kentucky which extends not more than two air miles beyond the corporate limits of any municipality and one mile additional for each fifty thousand population or major fraction thereof, and, where one or more municipalities are contiguous or adjoining municipalities shall be considered in determining the commercial area of each such contiguous or adjoining municipality; provided, however, the depart-

ment may, from time to time, upon a showing, as hereinafter provided, authorize and permit the holder of a certificate authorizing the transportation of property to extend its operation beyond the territorial limits of any such city or cities for a distance not to exceed ten air miles, if said department finds:

(a) That the territory proposed to be served adjoins or is contiguous to said city; and

(b) That the territory proposed to be served has such density of population and that the physical, business, economic and social interest is such as to make it an integral part of the city to which it adjoins or is contiguous and that it would be in the public interest and to the benefit of persons residing in said territory that they be served by the holder of a certificate authorizing the transportation of property.

(18) The term "U-Drive-It" means any person who leases or rents a motor vehicle for a consideration to be used for the transportation of persons or property, but for which no driver is furnished, and the use of which motor vehicle is not for the transportation of persons or property, for hire by the lessee or rentee.

(19) (a) The term "taxicab certificate" means a certificate granting authority only for the operation of a given number of motor vehicles transporting passengers for hire, the principal operation of which is confined to the corporate limits of one city and its suburban area, and not operating over any regular route, and the destination of which motor vehicles are designated by the passengers at the time of such transportation.

(b) A "taxicab" is a motor vehicle operated under one or more taxicab certificates, and is a vehicle designed or constructed to transport not more than six passengers exclusive of the driver.

(c) The term "taxicab license" means a license plate issued to a taxicab authorized to operate under a taxicab certificate.

(20) (a) The term "local cartage certificate" means a certificate granting authority only for the operation of motor vehicles exclusively engaged in the transportation of property for hire between points within a city or within a city and its commercial area. It shall not include the pick-up or delivery service rendered by the holder of any other type of certificate issued by the department.

(b) A "local cartage vehicle" is a motor vehicle operated under a local cartage certificate.

(21) (a) An "airport limousine certificate" means a certificate granting authority only for the operation of motor vehicles exclusively transporting passengers or baggage for hire over regular routes between points within a city or its suburban area and an airport.

(b) An "airport limousine" is a motor vehicle operated under one or more airport limousine certificates.

(c) The term "airport limousine license" means a license plate issued for a motor vehicle authorizing its operation under one or more airport limousine certificates.

(22) (a) An "industrial bus certificate" means a certificate granting authority only for the operation of motor vehicles exclusively transporting employes of a given industry or industries for hire to and from their place of employment.

(b) An "industrial bus" is a motor vehicle operated under an industrial bus certificate.

(c) The term "industrial bus license" means a license plate issued for a bus authorizing its operation under an industrial bus certificate.

(23) The term "exempted commodities" means such commodities that are normally and usually not transported by common carriers by motor vehicle.

(24) The term "driver" or "chauffeur" means the person physically operating the motor vehicle.

(25) The term "regular seat" means a seat ordinarily and customarily used by one passenger, and in determining such seating capacity the manufacturer's rating may be considered.

(26) The term "Driveway" means the transporting and delivering of motor vehicles including semi-trailers and trailers, whether destined to be used in either a private or for-hire capacity, under their own power, or by means of pulling by a power unit, or by means of a tow bar method, or by means of a combination of transporting under their own power and by the tow bar method, or by the saddle mount method, or by a combination of the means of transporting under their own power and by the saddle mount method, or by any combination of such methods, over the highways of this state from any point of origin to any point of destination for-hire. The transportation of such vehicles by the full mount method on trailers or semi-trailers shall not be included.

(27) The term "wrecker" means a motor vehicle designed or constructed for the hauling or towing of wrecked or disabled motor vehicles when employed for that purpose and where such hauling or towing is not an incident to the primary activity of repair or reconstruction of the wrecked or disabled vehicles.

SECTION 2. Section 281.630 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) A certificate shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operation covered by the application, if it is found that the applicant is fit, willing and able properly to perform the service proposed and to conform to the provisions of this chapter and the requirements and the rules and regulations of the department thereunder, and further that the existing transportation service is inadequate, and that the proposed service, to the extent to be authorized by the certificate, is or will be required by the present or future public convenience and necessity, and that the proposed operation, to the extent authorized by the certificate, will

be consistent with the public interest and the transportation policy declared in this chapter; otherwise such application shall be denied, provided, however, that nothing herein shall be construed so as to require the department to give, to any existing carrier authorized to render service to, from or between any point on the route proposed to be served by the applicant, any notice regarding the quality or quantity of its service to, from or between such points or to require the department to give to such existing carrier any opportunity to improve its existing service or to render the service found to be needed before the issuance of a certificate to the applicant.

(2) In granting a certificate, the order, among other things, shall specify the route or routes of service and territory to be served, provided that where the certificate to be granted specifies a route or routes or portion of a route or routes common to a certificate or certificates authorizing the same type of operation held by the applicant, all such certificates shall constitute but a single operating authority over that portion of the route or routes common to the certificates. The order granting a certificate shall not limit the number of vehicles to be operated by the motor carrier except that, in the granting of a certificate for the operation of taxicabs, the order shall specify the maximum number of taxicabs to be operated thereunder.

(3) A carrier shall be entitled to have issued to it by the department as many certificates, and of such types, as will cover its entire authorized operation.

(4) A permit shall be granted to any qualified applicant therefor authorizing in whole or in part the operations covered by the application, if it appears from the application and the hearing held thereon that the applicant is fit, willing and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of this chapter and the lawful requirements, rules and regulations of the department thereunder, and that the proposed operations to the extent authorized by the permit will be consistent with the public interest and the transportation policy declared in this chapter, and that it will not unreasonably impair the efficient public service of any authorized common carrier than adequately serving the same territory, and if it further appears that the existing transportation service is inadequate, and that it appears that the proposed service is needed; otherwise such application shall be denied. The department shall specify in the permit the business of the contract carrier covered thereby and the scope thereof, and shall attach to it at the time of issuance, and from time to time thereafter, such reasonable terms, conditions and limitations consistent with the character of the holder as a contract carrier as are necessary to carry out, with respect to the operations of such carrier, the requirements established by the department.

(5) Amendment or change of route or abandonment of a cer-

tificate or permit shall be granted upon the same basis that an original certificate or permit is granted.

(6) Any certificate or permit may be sold, assigned, leased or transferred, after a hearing and notice to interested parties as provided for in KRS 281.625, provided the transferee is fit, willing and able to render the proposed service, unless it would be against the public interest, and provided further that the commissioner may approve the sale and transfer of a certificate for the operation of taxicabs without a hearing if, after due notice of the proposed sale or transfer is given to all interested parties in accordance with the rules and regulations of the department, no protest is filed to the proposed sale or transfer and the commissioner believes that it will be in the public interest.

(7) For the purpose of this section, a transfer of the controlling stock of a corporation owning a certificate or permit may be considered a transfer of said certificate or permit.

(8) Upon the consummation of a merger or consolidation of motor carriers as effected under the provisions of KRS Chapter 271, the surviving or new corporation, as the case may be, shall own and possess all of the certificates, permits, authorizations, licenses, rights, privileges, franchises and properties owned or possessed by each of such motor carriers; and if such merger or consolidation is set aside, the certificates, permits, authorizations, licenses, rights, privileges, franchises and properties acquired by the surviving or new corporation through the merger or consolidation shall become revested in the corporation from which acquired, unless disposed of, subject to such indebtedness and liens as may be equitable, and all other properties of the surviving or new corporation shall becomes vested in the constituent corporation in such manner as may be fair and equitable.

(9) (a) Notwithstanding the provisions of subsection (4) of this section, where a motor carrier has been granted two or more certificates or permits authorizing the same type of operation over a route or routes or a portion of a route or routes common to two or more of the certificates or permits, the carrier shall be deemed to possess only one operating authority over that portion of the route or routes common to the certificates or permits.

(b) The department is authorized to recall any of the certificates or permits described in paragraph (a) and to reissue one or more certificates covering the exact authority.

SECTION 3. Section 281.631 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Every holder of a certificate of public convenience and necessity issued by the Department of Motor Transportation authorizing the transportation of persons or property for hire, which certificate authorizes service at a point that is also a point at which service is authorized under the terms of any other certificate of the same type held by the same person, is authorized to transport persons

or property, as the case may be, for hire, from any point on either of said certificated routes via such common point of service to any point on any other such connecting certificate route or routes, unless such service be restricted by the terms of any of said certificates.

(2) It is the purpose of this section to further clarify the provisions of KRS Chapter 281 relating to the application of the administrative and judicial interpretations of the Federal Motor Carrier Act to the administration of KRS Chapter 281.

SECTION 4. Section 281.640 of the Kentucky Revised Statutes is hereby amended to read as follows:

Hearings before the department may be held at the most convenient place for the parties and witnesses. The hearings shall be conducted by an examiner appointed by the commissioner who shall be a practicing attorney in this state and who shall be a full-time employee of the department. After the final conclusion of the hearing the examiner shall make a report and recommended order, which report and recommended order shall contain a finding of fact and a conclusion of law, and such report and recommended order shall be served by certified mail upon each of the parties. Any of the parties thereto may, within twenty days after the date of the report and recommended order, file and serve exceptions thereto and reasons in support thereof. Replies may be served and filed within twenty days after the date of the filing of exceptions. Thereafter the commissioner or one of the assistant commissioners shall consider and pass upon the case. When passed upon by the commissioner or when passed upon by an assistant commissioner and approved by the commissioner, the decision shall be served by certified mail upon all parties and shall be a final order of the department. The report and recommended order will not become the decision of the department through failure to file exceptions, but in the absence of exceptions ordinarily will be taken by the department as the basis of its decision. However, nothing herein contained shall prevent the commissioner from holding or conducting any hearing, referred to herein, in regard to rates, fares and charges, and his decision shall be the final order of the department.

SECTION 5. Section 281.650 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Every certificate or permit shall be renewed before January 1 of each year. Application for renewal shall be in such form as the department may require.

(2) No motor vehicle shall be operated after January 1 of each year unless the requisite fee as hereinafter provided for is paid.

(3) A certificate or permit not renewed within one calendar year after renewal date shall automatically become null and void and cannot be reinstated. Nothing herein contained shall prohibit the filing of a new application.

(4) The department shall not renew any certificate or permit

if such certificate or permit has been revoked, or if suspended, during the period of suspension. A certificate or permit shall not be considered as revoked or suspended when an appeal is pending in the Franklin Circuit Court or in the Court of Appeals from an order of revocation or suspension until said appeal has been decided by the courts.

(5) For the renewal of any certificate or permit the department shall receive a fee of twenty-five dollars.

SECTION 6. Section 281.655 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Before any certificate or permit will be issued or renewed, the applicant or holder of the certificate or permit must file or have on file with the department an approved indemnifying bond or insurance policy issued by some surety company or insurance carrier authorized to transact business within the Commonwealth of Kentucky. The bond or policy shall be issued for such a period of time that its expiration date will be January 1 of the following year; and shall have attached thereto the state insurance endorsement. All bonds or policies required herein must be issued in the name of the holder of the certificate or permit. In lieu of the bond or policy, there may be filed with the department an approved certificate of insurance; provided, however, that the expiration date of January 1, above referred to, shall not apply to policies the term of which is continuous and which are to remain in full force until cancelled under proper notice.

(2) All bonds or policies shall specifically state what equipment is covered by the policy. In the event a certificate is filed it shall have endorsed thereon a specific description of all equipment covered by the policy. It is further required that any and all changes in the equipment covered by the policy, or bond, or the certificate of insurance shall be certified to the department at once. The department may authorize acceptance of a policy that is an overall coverage blanket policy, which does not specifically describe the equipment covered thereby.

(3) Effective January 1, 1957, the types and amounts of insurance to be carried on each vehicle are as follows:

MOTOR VEHICLE FOR THE
TRANSPORTATION OF PERSONS

Capacity	Death or Injury to any One Person	Total Liability for Death or Injury to Persons	Property Damage
7 persons or less	$10,000.00	$20,000.00	$5,000.00
8 to 16 inclusive	10,000.00	30,000.00	5,000.00
17 to 25 inclusive	10,000.00	40,000.00	5,000.00
26 or more	10,000.00	50,000.00	5,000.00

MOTOR VEHICLES FOR THE
TRANSPORTATION OF PROPERTY

Gross Weight	Death or Injury to any One Person	Total Liability for Death or Injury to Persons	Property Damage
18,000 lbs. or less	$10,000.00	$20,000.00	$5,000.00
More than 18,000 lbs.	10,000.00	30,000.00	5,000.00

(4) Any carrier or motor carrier using any vehicle for the transportation of inflammables, explosives or petroleum or petroleum products in bulk shall have the following types and amounts of insurance carried on each such vehicle

Death of or Injury to any One Person	Total Liability for Death or Injury to Persons	Property Damage
$10,000.00	$30,000.00	$25,000.00

(5) Before any certificate exclusively authorizing the transportation of property will be issued or renewed, the applicant or holder of the certificate must file or have on file with the department an approved insurance policy or bond, or approved certificate of such insurance or bond, compensating shippers or consignees for loss or damage to property belonging to shippers or consignees and coming into possession of the carrier in connection with its transportation service, (a) for loss of or damage to property carried on any one motor vehicle in the amount of one thousand dollars; (b) for loss of or damage to or aggregate of losses or damages of or to property occurring at any one time and place in the amount of two thousand dollars. Said policy, or bond, or certificate shall have attached thereto the Kentucky cargo policy endorsement and must be issued by some insurance or surety company authorized to transact business within the Commonwealth of Kentucky. Such policy, bond or certificate shall be issued for such a period of time that its expiration date will be January 1 of the following year, except that such expiration date shall not apply to policies the term of which are continuous and which are to remain in full force until cancelled under proper notice.

(6) No insurance company or insurance carrier issuing any policy filed with the department, and no surety or obligor on any bond or contract filed with the department, shall be relieved from liability under the policy, bond or contract until after the expiration of 15 days' notice to the department of an intention to cancel the policy, bond or contract, provided, however, that a prior cancellation may be allowed in cases where one policy, bond or contract is substituted for another policy, bond or contract where such substituted policy, bond

or contract is of force and effect at a point in time prior to the expiration of 15 days' notice to the Department of an intention to cancel the policy, bond or contract for which such additional policy, bond or contract is being substituted. The acceptance of any notice of an intention to cancel any policy, bond or contract or the cancellation of any policy, bond or contract by the department, unless under the circumstances hereinbefore set forth, shall not relieve the insurance company, insurance carrier, surety or obligor of any liability that accrued prior to the effective date of the cancellation.

(7) Upon the cancellation of any bond or insurance policy required by this section, all operating rights granted by the certificate or permit for which said bond or policy was filed, shall immediately cease, and the department is empowered to immediately require the cessation of all operations conducted under authority of said certificate or permit, and to require the surrender of all certificates, permits, licenses and other evidence of a right to act as a motor carrier.

(8) The department may exempt in whole or in part from the requirements of this section any person who applies for such exemption and shows to the satisfaction of the department that, by reason of the financial ability of the person applying, there is due assurance of the payment of all damages for which he may become liable as a result of the operation of any vehicle owned by him or operated under authority of his certificate or permit.

SECTION 7. Section 281.810 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) On or before January 1 of each year and as a condition precedent to the use of the highways, every motor carrier operating motor vehicles primarily engaged in the transportation of property for hire shall pay to the Department of Motor Transportation for the privilege of using the highways an annual excise tax upon each motor vehicle so used based on the declared gross weight of the motor vehicle as set out in KRS 186.030, in addition to the basic registration fee set out in KRS 186.050, as follows:

Gross Weight	Fee
0 5000	$ 22.00
5001 8000	30.00
8001 -10000	48.00
10001 -12000	52.00
12001 -14000	57.00
14001 -16000	62.00
16001 -18000	70.00
18001 -21000	101.00
21001 -24000	132.00
24001 -27000	161.00
27001 -30000	185.00

30001 -33000	208.00
33001 -36000	235.00
36001 -39000	272.00
39001 -42000	300.00

(2) The tax shall be increased fifty percent on each motor vehicle not equipped wholly with pneumatic tires.

(3) On or before January 1 of each year and as a condition precedent to the use of the highways, every motor carrier engaged in the drive-away business shall pay an annual license fee of two hundred fifty dollars which shall be in lieu of the weight tax set out in subsection (1) of this section, and a license tag fee of $5.00 for each individual motor vehicle transported, which tag may be transferred from one transported vehicle to another for reuse.

SECTION 8. Section 281.813 of the Kentucky Revised Statutes is hereby amended to read as follows:

On or before January 1 of each year and as a condition precedent to the use of the highways, every carrier or motor carrier acting as a U-Drive-It shall pay to the department for the privilege of using the highways an annual excise tax upon each motor vehicle used in the transportation of property based upon the declared gross weight of the motor vehicle as set out in KRS 186.030, in addition to the basic registration fee as set out in KRS 186.050 and in lieu of the taxes imposed by KRS 186.055 and KRS 138.460, as follows:

Gross Weight	Fee
0 5000	$ 22.00
5001 8000	30.00
8001 -10000	48.00
10001 -12000	52.00
12001 -14000	57.00
14001 -16000	62.00
16001 -18000	70.00
18001 -21000	101.00
21001 -24000	132.00
24001 -27000	161.00
27001 -30000	185.00
30001 -33000	208.00
33001 -36000	235.00
36001 -39000	272.00
39001 -42000	300.00

SECTION 9. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

The Department may, by regulation, charge a fee of $5.00 each for the issuance of such identifying plates, decals, signs or papers as may be necessary for the identification of trailers or semi-trailers which are operated by carriers or motor carriers under the jurisdiction of the department.

SECTION 10. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

The Department shall have the right to withdraw, set aside or amend any Final Order it has issued, provided, however, that such action upon the part of the Department be taken between the date of the rendition of the Final Order and the time for appeal or until an appeal has been taken.

SECTION 11. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

Certificates or permits authorizing the transportation of petroleum and petroleum products in bulk in tank trucks shall be so construed as to authorize the holder thereof to transport acid, coal tar, coal tar products, chemicals, chemical compounds, vegetable oils, and paints in bulk in tank trucks, provided, however, that nothing herein shall be construed to obviate or remove any specific restriction or limitation as to areas which may be served that presently exist in any such certificate or permit, and such limitation or restriction shall remain in effect.

SECTION 12. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

(1) To enable the provision of service for which there is an immediate and urgent need to or from a point or points or within a territory having no carrier service capable of meeting such need, the department may, in its discretion and without hearings or other proceedings, grant temporary authority for such service by a common carrier or a contract carrier by motor vehicle, as the case may be. Such temporary authority, unless suspended or revoked for good cause, shall be valid for such time as the department shall specify but for not more than an aggregate of 180 days, and shall create no presumption that corresponding permanent authority will be granted thereafter.

(2) Pending the determination of an application filed with the department for approval of a consolidation or merger of the properties of two or more motor carriers, or of a purchase, lease, or contract to operate the properties of one or more motor carriers, the department may, in its discretion, and without hearings or other proceedings, grant temporary approval, for a period not exceeding 180 days, of the operation of the motor carrier properties sought to be acquired by the persons proposing in such pending application to acquire such properties, if it shall appear that failure to grant such temporary approval may result in destruction of or injury to such motor carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

HB 65: AN ACT relating to the licensing of buyers, sellers and distributors of coin-operated music or amusement machines.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall engage in the business of buying, selling or distributing coin-operated music or amusement machines without first obtaining from the Department of Revenue an annual certificate to conduct the business. The license shall be in the nature of an excise tax for the privilege of conducting or engaging in the business of buying, selling or distributing such machines. No person shall buy or lease coin-operated music or amusement machines unless the vendor or distributor is duly licensed in accordance with the provisions of this Act.

(1) Nothing in the provisions of this Act shall be construed to legalize the operation of any coin machine otherwise unlawful.

(2) Nor shall this Act be construed as authorized or legalizing such buyer, seller or distributor or other person to operate for gain such coin machine without being licensed under the provisions of the Kentucky Revised Statutes Sections 137.340 to 137.400, and the license required herein shall be considered in addition to that required on each individual coin-operated music or amusement machine.

Section 2. Application for any license provided for in this Act shall be made in writing to the Department of Revenue at its offices in Frankfort, Kentucky, on forms prescribed and furnished by such department and shall be accompanied by a sworn affidavit that the operation of the coin machines which will be bought, sold or distributed under the license is not otherwise prohibited by law.

Section 3. The Department of Revenue shall issue licenses upon the privilege of conducting or engaging in the business of buying, selling or distributing coin-operated music or amusement machines to any person making application therefor as set out in the Act upon the payment of an annual fee of twenty-five dollars. All such certificates shall be obtained on or before July 1 of any year and shall expire at the close of business on the following June 30.

HB 311: AN ACT relating to interest and usuary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Where any money is borrowed from any bank, insurance company, petty loan company or any other lending agency or institution, for a period of years, and the loan is retired before the termination date of the loan, the borrower shall be required to pay interest only for the period of time during which the money was actually used and shall not be required to pay interest for the period between retirement of the loan and the termination date of the instrument on which the money was borrowed.

SB 62: AN ACT changing the classification of the City of Loyall in Harlan County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Loyall, in Harlan County, is such as to justify its being assigned to the fifth class of cities.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the City of Loyall, in Harlan County, is hereby transferred from the sixth to the fifth class of cities.

HB 330: AN ACT relating to insurance and amending section 304.460 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.460 of the Kentucky Revised Statutes is hereby amended to read as follows:

The commissioner shall collect in advance, and persons so served shall pay in advance to the commissioner, fees, licenses, and miscellaneous charges as follows:

(1)	Annual statement of insurer	
(a)	Filing, each year	$25.00
(b)	Filing additional or supplemental statements in same year	$25.00
(2)	For filing charter documents:	
(a)	Original charter documents, bylaws and records of of organization of insurers, or certified copies thereof, required to be filed	$30.00
(b)	Amended charter documents, or certified copy thereof, no additional charge	
(3)	Certificate of authority:	
(a)	Issuance of original certificate	$25.00
(b)	Renewal, each year	$ 1.00
(4)	Organization of domestic insurers:	
(a)	Filing application for solicitation permit and issuance of such permit, mutual insurers	$10.00
(5)	Agent's licenses, foreign and alien insurers:	
(a)	License for life insurer, whether or not disability insurance is included, each year	$ 5.00
(b)	License for industrial life insurer only, each year	$ 2.00

(c)	License for other insurance, each insurer represented, each year	$ 3.00
(d)	Limited license as travel insurance agent, each year	$ 2.00
(e)	Temporary license as agent	$ 3.00
(f)	Nonresident agent	$10.00
(6)	Broker's license:	
(a)	Surplus line broker, each year	$25.00
(7)	Solicitor's license, each year	$15.00
(8)	Adjuster's license:	
(a)	Independent adjuster, each year	$25.00
(b)	Public adjuster, each year	$25.00
(9)	Examination, for or in connection with licensing of agents, solicitors and adjusters:	
(a)	Each examination, first line	$10.00
(b)	Each additional line	$ 5.00
(c)	Re-examination of each line	$ 5.00
(10)	Miscellaneous Services:	
(a)	Filing other documents, each	$ 1.00
(b)	Commissioner's certificate under seal, other than certificates, licenses, and other documents above provided for, each	$ 1.00
(c)	For copies of any document on file with the commissioner, per folio	$ .20

HB 307: AN ACT relating to pawnbrokers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That KRS 226.080 be and the same is hereby repealed.

HB 290: AN ACT relating to dog licenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 258.135 of the Kentucky Revised Statutes is amended to read as follows:

(1) On or before July 1, 1954, and on or before July 1 of each year thereafter, the owner of any dog six months old or over shall apply to the dog warden of the county in which he resides for a license for each dog owned or kept by him. The application shall be accompanied by a license fee of one dollar and fifty cents for each dog. Any license issued for the year of 1954 before July 1, 1954, shall be effective until July 1, 1955. Dog wardens shall be agents of the Commonwealth in the collection of the license fees provided for herein, unless the department determines, with the approval of the Governor, to issue all licenses either directly or through other agents. For services rendered in collecting and paying over the same, dog

wardens shall be allowed to retain the sum of twenty-five cents for each license. The balance of the license fee collected shall be paid to the department on or before the 15th day of each next succeeding month and shall be credited to the Livestock Fund. If the committee finds it to be in the interest of maximum enforcement of this chapter to permit certain other portions of the license fee to be retained by the respective counties for use in such enforcement, the department may allow such portions of the license fee to be so retained by the counties.

(2) There shall be exempt from the licensing requirement of of subsection (1) of this section one dog for each household; provided, however, that such dog is kept penned or tied on the premises at all times, or if the dog is off the premises at any time, it must be in leash.

HR 25: A JOINT RESOLUTION authorizing the Governor of the Commonwealth of Kentucky to call an annual conference on Education.

WHEREAS, the educational system of the Commonwealth is beset with problems and difficulties of such character as to seriously imperil the continued orderly processes of instruction of our children and youth; and

WHEREAS, the instruction and training of our youth in the fundamentals of learning, as well as in the history, traditions and values of our State and Nation, are essential to the continued well-being and growth of our people, and to the strength and stability of our State through the instilling of those cherished tenets of Democracy into the minds and hearts of the youth; and

WHEREAS, the resolution of these problems and extremities in the educational system will be found only in the thought and will of the people; and

WHEREAS, to determine the sources of these current ills in Kentucky education, and to determine upon a course for their remedy, a means and a method for examination and study of the subject must be afforded to the people of the Commonwealth; and

WHEREAS, the Governor in his address to the 1956 Session of the General Assembly on the state of the Commonwealth, did state and avow,

> ". . . Citizens are genuinely concerned with the plight of education and are determined that our program be improved . . . and I intend to dedicate . . . my administration to develop and finance a complete . . . program of education in Kentucky . . ."

and

WHEREAS, the Governor on that occasion did further state, "We must continuously study our educational problems . . . therefore I shall ask the General Assembly for whatever legislation is necessary to provide for an annual Governor's conference on education . . . to include farmers, labor, business, industry and the school profession who will study our educational problems and make plans for the improvement of programs."

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Governor of the Commonwealth of Kentucky be, and hereby is, authorized to cause to be held annually, in September or October, a conference on education which shall hereafter be styled the Governor's Conference on Education.

Section 2. That the Governor is hereby authorized to appoint a committee composed of eleven citizens, headed by the Superintendent of Public Instruction, but not more than five members of which shall be professional educators; this committee to assist the Governor, at his direction, in planning and arranging for holding the Conference, and to recommend to the Governor persons for appointments as delegates to the Conference.

Section 3. That the constituents of such Conference shall number approximately 300 people, who shall be selected upon the basis of their ability and desire to make a contribution to the improvement of education in the Commonwealth, and without regard to religion, race, profession or social status, except, however, that the number of professional educators appointed as delegates to said Conference shall not exceed one-third of the total number of Conference delegates.

Section 4. That a full report in writing of the work, findings and recommendations of the Conference shall be made to the Governor immediately following the close of the Conference.

Section 5. That the sum of two thousand dollars ($2,000.00) be and hereby is, appropriated for the biennium to defray the expenses of holding the Conference; provided, however, that no part of this appropriation may be used for paying the expenses of delegates while attending the Conference.

SB 35: AN ACT relating to school districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.330 of the Kentucky Revised Statutes is amended to read as follows:

Each board of education may furnish textbooks and other necessary school supplies free of charge to indigent children in its school district, including indigent children in high schools or lower grades, or to such other children as it deems advisable, under such rules and regulations as it may adopt. The superintendent shall report to the tax levying authority of the district the number and cost of textbooks and school supplies needed by the indigent school children of the district, and the tax levying authority shall appropriate a sum of money sufficient for the purchase of textbooks and school supplies for such children. The sum appropriated annually by the tax levying authority shall not be less than two hundred dollars in a county school district and fifty dollars in an independent school district.

HR 18: A CONCURRENT RESOLUTION memorializing Congress to restore tobacco acreage allotments to their 1955 level.

WHEREAS, Agriculture is of highest importance to the economy of the Commonwealth of Kentucky;

WHEREAS, the production of tobacco is of first importance in the Agriculture of the Commonwealth;

WHEREAS, there has been drastic reduction of tobacco acreage over the past two years totaling about forty percent, resulting in considerable reduction in total farm production and causing hardship to the farmers in this Commonwealth;

WHEREAS, the total 1955 tobacco production has fallen far below the earlier crop estimates on which the 1956 allotments were based;

WHEREAS, it now appears that reduction in tobacco acreage allotments for 1956, made in November 1955, are unwise and unnecessary;

WHEREAS, there has been a favorable increase in consumption of cigarette tobacco over the past several months;

WHEREAS, it now appears that reductions in tobacco acreage allotments for 1956 made in November 1955, are unwise and unnecessary;

WHEREAS, the United States Department of Agriculture is without authority to now correct its 1956 allotments to adjust to the several differences between the estimates and the facts; and

WHEREAS, failure to do everything possible to bring about the production of tobacco in amounts most suitable to the economy of tobacco marketing within the principles of the production control program of the federal government, would undermine confidence in the program and cause undue hardship on the farmers of the Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

of its specific duty under the Agricultural Adjustment Act of 1938, to correct the tobacco acreage allotments for 1956 determined on the basis of an erroneous estimate of the 1955 crop;

Section 1. That the Congress of the United States is urged to act in the exercise of its broad legislative powers and in the performance

Section 2. That the Congress act in this regard by cancelling the reductions in the tobacco agreage allotments for burley tobacco and restoring the burley allotments to their 1955 level as is made advisable by production statistics now available to the Department of Agriculture and to the Congress; and

Section 3. That the Clerk of the House of Representatives is directed to forward copies of this resolution to the President of the United States Senate and the Speaker of the United States House of Representatives, to each of the Senators and Representatives from Kentucky now serving in the Congress, to the Secretary of Agriculture, United States, and to the President of the Kentucky Farm Bureau.

SB 16: AN ACT relating to juries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 29.045 of the Kentucky Revised Statutes is amended to read as follows:

(1) If a juror whose name is drawn from the drum has served in the circuit court on the regular panel within twelve months prior thereto, or if a juror summoned as a bystander has served on a jury in the circuit court as a bystander within twelve months prior thereto, such service shall be cause for challenge.

(2) No person shall be eligible to serve as a juror in any court inferior to the circuit court who has served as a juror in any inferior court within twelve months prior thereto, and such prior service shall be cause for challenge.

(3) If the name of a juror does not appear on the last returned tax commissioner's book for the county, or on the last returned voter's registration book, this shall be cause for challenge.

HB 338: AN ACT relating to insurance and amending KRS 342.010 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 342.010 of the Kentucky Revised Statutes is amended to read as follows:

342.010 "Employer" to include municipal corporations and state. "Employer" as used in this chapter includes municipal corporations and any subdivision or corporation thereof. Any election with reference to this chapter shall be exercised by the lawmaking or other governing body therof. "Employer" as used in this chapter also includes all departments, boards, commissions, and all superintendents or receivers of penal or eleemosynary institutions managed or directed by the Department of Welfare or any other Department or Agency of the Commonwealth of Kentucky. Any election with reference to this chapter shall be exercised by the Commissioner of Finance. Nothing contained in this chapter shall amend, repeal or interfere with any statute or ordinance relating to associations or funds for the relief, pensioning, retirement or other benefit of any employe of such municipal employer, or any of the employes of any state department, or the widows, children or dependents of such employes.

SR 40: A CONCURRENT RESOLUTION providing for sine die adjournment of the 1956 regular session of the General Assembly.

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That when the Senate and House of Representatives adjourn on February 18, 1956, they do adjourn sine die.

The Committee on Health and Welfare report **HB 213** with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 213: AN ACT relating to the dispensing and sale of narcotic drugs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 218.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in Subsection (4) of this section an apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription of a physician, dentist, or veterinarian, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address, and registry number under the Federal Narcotic Laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of Chapter 218 of the Kentucky Revised Statutes. The prescription shall not be refilled.

(2) The legal owner of any stock of narcotic drugs in a pharmacy upon discontinuance of dealing in said drugs, may sell said stock to a manufacturer, wholesaler, or apothecary, but only on an official written order.

(3) An apothecary, only upon an official written order, may sell to a physician, dentist, or veterinarian, in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic drugs does not exceed a proportion greater than twenty percent of the complete solution, to be used for medical purposes.

(4) An apothecary may fill an oral prescription communicated to him by a physician, dentist, or veterinarian for such narcotic drugs or compounds of a narcotic drug designated by regulation of the United States Commissioner of Narcotics and by regulation of the State Board of Health to possess relatively little or no addiction liability. In issuing an oral prescription, the prescriber shall furnish the apothecary with the same information as is required in the case of a written prescription except for the written signature of the prescriber. The oral prescription, including the information required to be furnished by the prescriber, shall promptly be reduced to writing by the apothecary, who shall file and preserve the writing in his narcotic prescription file. The prescriber is responsible in the event the oral prescription does not conform in all essential respects to the requirements of law and regulations. A corresponding liability rests upon the apothecary who fills an oral prescription not communicated in the form prescribed by law and regulations. The prescription shall not be refilled.

The Committee on Labor and Industry reported **HB 381** with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 381: AN ACT relating to the sale of automobiles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act unless the context requires otherwise:

(1) "Motor vehicle dealer" means any person not excluded by subsection (2) of this section who:

(a) For commission, money or other thing of value, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale or exchange of an interest in motor vehicles; or

(b) Who is engaged wholly or in part in the business of selling motor vehicles, including motor driven cycles, whether or not such motor vehicles are owned by such person, firm or corporation.

(2) The term "motor vehicle dealer" does not include:

(a) Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under the judgment or order of any court;

(b) Public officers while performing their official duties; or

(c) Employes of persons enumerated in subsection (a) and (b) of this subsection, when engaged in the specific performance of their duties as such employes;

(d) Sales finance companies or other loan agencies who sell or offer for sale motor vehicles repossessed or foreclosed by them under terms of an installment contract, or motor vehicles taken in trade on such repossessions.

(3) "Motor vehicle salesman" means any person who is employed as a salesman by a motor vehicle dealer to sell motor vehicles.

(4) "Sales finance company" means and includes any person, firm or corporation engaging in the business, in whole or in part, of acquiring by purchase or by loan on the security thereof, or otherwise, retail installment contracts from retail sellers in this state, including any motor vehicle dealer who sells any motor vehicle on an installment contract or acquires any retail installment contracts in his retail sales of motor vehicles.

(5) "Retail installment contract" or "installment contract" means and includes every contract to sell one or more motor vehicles at retail, in which the price thereof is payable in one or more installments over a period of time and in which the seller has either retained title to the goods or has taken or retained a security interest in the goods under a form of contract designated either as a conditional sale, chattel mortgage or otherwise.

(6) "Retail seller" means a person, firm or corporation selling or agreeing to sell one or more motor vehicles under a retail installment contract to a buyer for the latter's personal use or consumption thereof.

(7) "Retail buyer" means a person, firm or corporation buying or agreeing to buy one or more motor vehicles from a retail seller under a retail installment contract.

(8) "Cash price" means the retail seller's price in dollars for the sale of the goods, and the transfer of unqualified title thereto, upon payment of such price in cash or the equivalent thereof.

(9) "Time price" means the total amount which the buyer contracts to pay under a retail installment contract.

(10) "Time price differential" means that part of the total price in the retail installment contract of sale in excess of the cash price, and includes all charges of any nature whatsoever which may be assessed the retail buyer by the seller for costs, charges, examinations, appraisal, service, brokerage, commission, expense, fees, fines, penalties exclusive of insurance premium costs and except those charges which may be specifically provided for in this section, or in the lawful orders issued by the licensor.

(11) The term "commissioner" means the Commissioner of Motor Transportation and duly authorized deputy named or appointed by such commissioner to perform any function in the administration or enforcement of this section.

(12) "Motor vehicle" means any motor driven vehicle required to be registered under Section 186.020 of the Kentucky Revised Statutes.

(13) The term "department" means the Department of Motor Transportation, and includes any duly authorized deputy named or appointed by the director thereof to perform any function in the administration or enforcement of this section.

(14) "Licensor" means the body, either the commissioner of the department or both, issuing a license hereunder.

(15) "Manufacturer" means any person, resident or nonresident who manufactures or assembles motor vehicles.

(16) "Distributor" or "wholesaler" means a person, resident or nonresident who, in whole or part, sells or distributes motor vehicles to motor vehicle dealers, or who maintains distributor representatives.

(17) "Factory branch" means a branch office maintained by a person who manufactures or assembles motor vehicles, for the sale of motor vehicles to distributors, or for the sale of motor vehicles to motor vehicle dealers or for directing or supervising in whole or part, its representatives.

(18) "Distributor branch" means a branch office similarly maintained by a distributor or wholesaler for the same purposes.

(19) "Factory representative" means a representative employed by a person who manufactures or assembles motor vehicles or by a factory branch, for the purpose of making or promoting the sale of its motor vehicles, or for supervising or contacting its dealers or prospective dealers.

(20) "Distributor representative" means a representative similarly employed by a distributor, distributor branch or wholesaler.

(21) "Person" means a person, firm, corporation or association.

Section 2. The Department shall issue the licenses provided for in sub-subsections (a) to (f) of subsection (6) of Section 3 of this Act and have supervision over the licensees thereunder in respect to all the provisions of this section, except only as to such matters as relate to the sale of motor vehicles on retail installment contracts and the financing and servicing of such contracts, over which matter the Commissioner shall have jurisdiction and control, and the Commissioner shall issue the licenses to sales finance companies. Either licensor hereunder shall, upon request, furnish the other licensor with any information it may have in respect to any licensee or applicant for license or any transaction in which such licensee or applicant may be a party or be interested. No license shall be issued under sub-subsections (a) to (h) of subsection (6) of Section 3 of this Act until both licensors have approved the application. The suspension or revocation of either of such licenses shall automatically likewise suspend or revoke the other license; and such suspension or revocation shall be certified by the licensor ordering it to the other licensor.

Section 3. (1) No motor vehicle dealer, motor vehicle salesman or sales finance company shall engage in business as such in this state without a license therefor as provided in this Act. If any motor vehicle dealer acts as a motor vehicle salesman he shall secure a motor vehicle salesman's license in addition to a license for motor vehicle dealer.

(2) No manufacturer of motor vehicles, or factory branch, or distributor or distributor branch shall engage in business as such in this state without a license therefor as provided in this Act.

(3) No factory representative or distributor representative shall engage in business as such in this state without a license therefor as provided in this Act.

(4) Application for license shall be made to the licensor, at such time, in such form and contain such information as the licensor shall require and shall be accompanied by the required fee. The licensor may require in such application, or otherwise, information relating to the applicant's solvency, his financial standing or other pertinent matter commensurate with the safeguarding of the public interest in the locality in which said applicant proposes to engage in business, all of which may be considered by said licensor in determining the fitness of said applicant to engage in business as set forth in this section.

(5) All licenses shall be granted or refused within 30 days after application therefor, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted, except that where a complaint of unfair cancellation of dealer franchise is in the process of being heard, no replacement application for such franchise shall be considered until a decision is rendered by the Department.

(6) The license fee for such calendar year, or part thereof, shall be as follows, effective January 1, 1957:

(a) For motor vehicle dealers, $10 for each office or branch or agent thereof, plus $1.00 for a supplemental license for each used car lot not immediately adjacent to the office or to a branch.

(b) For motor vehicle manufacturers, $5; and for each factory branch in this state, $5.

(c) For distributors or wholesalers, the same as for dealers.

(d) Any person licensed under subsection (b) or (c) next preceding, may also operate as a motor vehicle dealer, without any additional fee or license.

(e) For motor vehicle salesmen, $2.

(f) For factory representative, or distributor branch representative, $2.

(g) For sales finance companies on the basis of the gross volume of purchases of retail sales contracts of motor vehicles sold in this state for the 12 months immediately preceding October thirty-first of the year in which the application for license is made, as follows: On a gross volume of $25,000 or less, $25; on a gross volume over $25,000 and not over $100,000, $50; on each $100,000 over $100,000 and up to $500,000, an additional $15; on each $100,000 over $500,000 and up to $1,000,000, an additional $10; and on each $100,000 over $1,000,000, an additional $5. No extra charge shall be made for branch licenses for sales finance companies. Gross volume shall be based on the unpaid balance of the retail contracts.

(h) For motor vehicle dealers, who operate as a sales finance company, and carry or retain time sales contracts for more than 30 days, the same as sales finance companies, except for the first $5,000 of gross volume, $1; on each $1,000 of gross volume, or part thereof, over $5,000 and up to $25,000, $1.

(7) The licenses of dealers, manufacturers, factory branches, distributors, distributor branches and sales finance companies shall specify the location of the office or branch and must be conspicuously displayed there. In case such location be changed, the licensor shall indorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license, except for sales finance companies.

(8) Every salesman, factory representative or distributor representative shall carry his license when engaged in his business, and display the same upon request. The license shall name his employer, and in case of a change of employer, the salesman shall immediately mail his license to the licensor who shall endorse such change on the license without charge.

(9) Every sales finance company shall be required to procure a salesman's license for itself or its employes in order to sell motor vehicles repossessed by it.

(10) Provided the licensor has reasonable cause to doubt the financial responsibility or the compliance by the applicant or licensee with the provisions of this statute the licensor may require such applicant or licensee to furnish and maintain a bond in such form, amount and with such sureties as it shall approve, but not less than $5,000, nor more than $15,000, conditioned upon such applicant or licensee complying with the provisions of the statutes applicable to the licensee and as indemnity for any loss sustained by any person by reason of any acts of the licensee constituting grounds for suspension or revocation of his license hereunder. The bonds shall be executed in the name of the state of Kentucky for the benefit of any aggrieved parties, but the penalty of said bond shall not be invoked except after a court adjudication thereof. The above bonding requirements shall not apply to manufacturers, factory branches, and their agents.

(11) Application for dealers' licenses shall be submitted to the Department in duplicate and contain such information as the licensors may require. Application for sales finance company licenses shall contain such information as the Commissioner may require. No motor

vehicle dealer or sales finance company, unless so licensed, shall be permitted to register or receive or use any registration plates. Sales finance companies licensed hereunder shall have all the rights accorded to and be liable to all the penalties imposed on motor vehicle dealers under subsection (1) of Section 186.990 of the Kentucky Revised Statutes. The Department shall transmit the duplicate copy of each application for a dealer's license to the Commissioner with $1 for each application fee to cover the fee required under sub-subsection (h) of subsection (6) of Section 3 of this Act, and the Commissioner shall issue a sales finance company license to the dealer if no prior sales finance company license has been suspended or revoked, and if applicant meets the requirements of this section relating to sales finance companies.

(12) Every motor vehicle dealer licensed in accordance with the provisions of this section shall make reports to the licensor at such intervals and showing such information as the licensor may require.

Section 4. (1) A license may be denied, suspended or revoked on the following grounds:

(a) Proof of unfitness of applicant;

(b) Material misstatement in application for license;

(c) Filing a materially false or fraudulent income tax return as certified by the Department of Revenue;

(d) Willful failure to comply with any provision of this section or any rule or regulation promulgated by the Commissioner under this Act;

(e) Willfully defrauding any retail buyer to the buyer's damage;

(f) Willful failure to perform any written agreement with any retail buyer;

(g) Failure or refusal to furnish and keep in force any bond required;

(h) Having made a fraudulent sale, transaction or repossession;

(i) Fraudulent misrepresentation, circumvention or concealment through whatsoever subterfuge or device of any of the material particulars or the nature thereof required hereunder to be stated or furnished to the retail buyer;

(j) Employment of fraudulent devices, methods or practices in connection with compliance with the requirements under the statutes of this state with respect to the retaking of goods under retail installment contracts and the redemption and resale of such goods;

(k) Having indulged in any unconscionable practice relating to said business;

(l) Having charged interest in excess of 15 percent per annum;

(m) Having sold a retail installment contract to a sales finance company not licensed hereunder;

(n) Having violated any law relating to the sale, distribution or financing of motor vehicles;

(o) Being a manufacturer of motor vehicles, factory branch, distributor, field representative, officer, agent or any representative whatsoever of such motor vehicle manufacturer or factory branch, who has induced or coerced or attempted to induce or coerce any automobile dealer to accept delivery of any motor vehicle or vehicles, parts or accessories therefor, or any other commodities which shall not have been ordered by said dealer;

(p) Being a manufacturer of motor vehicles, factory branch, distributor, field representative, officer, agent or any representative whatsoever of such motor vehicle manufacturer or factory branch, who has attempted to induce or coerce, or has induced or coerced, any automobile dealer to enter into any agreement with such manufacturer, factory branch or representative thereof, or to do any other act unfair to said dealer, by threatening to cancel any franchise existing between such manufacturer, factory branch or representative thereof and said dealer; or

(q) Being a manufacturer, factory branch, distributor, field representative, officer, agent or any representatives whatsoever of such motor vehicle manufacturer or factory branch, who has unfairly, without due regard to the equities of said dealer and without just provocation, canceled the franchise of any motor vehicle dealer. The nonrenewal of a franchise or selling agreement without just provocation or cause shall be deemed an evasion of this section and shall constitute an unfair cancellation.

(2) The licensor may without notice deny the application for a license within 30 days after receipt thereof by written notice to the applicant, stating the grounds for such denial. Upon request by the applicant, whose license has been so denied, the licensor shall set the time and place of hearing a review of such denial, the same to be heard with reasonable promptness.

(3) No license shall be suspended or revoked except after a hearing thereon. The licensor shall give the licensee at least 5 days' notice of the time and place of such hearing. The order suspending or revoking such license shall not be effective until after 10 days' written notice thereof to the licensee, after such hearing has been had; except that the licensor, when in its opinion the best interest of the public or the trade demands it, may suspend a license upon not less than 24 hours' notice of hearing and with not less than 24 hours' notice of the suspension of the license.

(4) The licensor may inspect the pertinent books, letters, records and contracts of a licensee. The actual cost of each such examination shall be paid by such licensee so examined within 30 days after demand therefor by the licensor, and the licensor may maintain an action for the recovery of such costs in any court of competent jurisdiction.

(5) If a licensee is a firm or corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director or trustee of the firm or corporation, or any member

in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending or revoking a license to such party as an individual. Each licensee shall be responsible for the acts of any or all of his salesmen while acting as his agent, if such licensee approved of or had knowledge of said acts or other similar acts and after such approval or knowledge retained the benefit, proceeds, profits or advantages accruing from said acts or otherwise ratified said acts.

(6) Any licensee or other person in interest being dissatisfied with an order of the licensor may appeal to the Franklin Circuit Court in the manner provided by the Rules of Civil Procedure.

Section 5. The licensor may appoint annually one or more local advisory committees and one general advisory committee, each consisting of not more than 9 members. The committees upon request of the licensor may advise and assist the licensor in the administration of this section. The members of said committees shall receive no compensation for their services or expenses.

Section 6. (1) The licensor shall promote the interests of retail buyers of motor vehicles relating to default, delinquency, repossession or collection charges and the refund on the time price differential and insurance premium on prepayment of the installment contract. It shall have power to define unfair practices in the motor vehicle industry and trade between licensees or between any licensees and retail buyers of motor vehicles, but such power shall not include the power to limit the price at which licensees may sell, assign or transfer receivables, contracts or other evidence of any obligation arising out of an installment sale made pursuant to this section.

(2) The licensor shall have the power in hearings and trials arising under this section to determine the place, in the state of Kentucky, where they shall be held; to subpoena witnesses; to take depositions of witnesses residing without the state, in the manner provided for in civil actions in courts of record; to pay such witnesses the fees and mileage for their attendance as is provided for witnesses in civil actions in courts of record; and to administer oaths. Whenever a hearing or trial shall be held by the licensor or by an examiner, he shall report his findings in writing to the licensor, which shall thereupon make its rulings and orders.

(3) The licensor may make such rules and regulations as it shall deem necessary or proper for the effective administration and enforcement of this section, but no licensee shall be subject to examination or audit by the licensor except as provided in subsection (4) of Section 4 of this Act.

Section 7. (1) Every retail installment sale shall be evidenced by an instrument in writing, which shall contain all the agreements of the parties and shall be signed by the buyer.

(2) Prior to or concurrent with any installment sale, the seller

shall deliver to the buyer a written statement describing clearly the motor vehicle sold to the buyer, the cash sale price thereof, the cash paid down by the buyer, the amount credited the buyer for any trade-in and a description thereof, the cost to the retail buyer of any insurance, the unpaid balance to be financed which may include the cost of insurance, the amount of the time price differential, the amount of any other charge specifying its purpose, the time balance due from the buyer, the terms of the payment of such time balance, the amount and date of each payment necessary finally to pay the time balance and a summary of any insurance coverage to be effected. The Commissioner may determine the form of such statement to be included therein. In the event that a written order is taken from a prospective purchaser in connection with any such installment sale, then shall the written statement above provided for be given to such purchaser prior to or concurrent with the signing of such order by such purchaser. The time price differential in a retail installment sale excluding the cost of insurance shall not exceed the following rates:

(a) Class 1: Any new motor vehicle—$7 per $100 per annum.

Class 2: Any used motor vehicle designated by the manufacturer by a year model of the same or 2 years prior to the year in which the sale is made—$9 per $100 per annum.

Class 3: Any used motor vehicle not in Class 2 and designated by the manufacturer by a year model not more than years prior to the year in which the sale is made—$13 per $100 per annum.

Class 4: Any used motor vehicle not in Class 2 or Class 3 and designated by the manufacturer by a year model more than 5 years prior to the year in which the sale is made—$15 per $100 per annum.

(b) The time price differential shall be computed on the unpaid balance to be financed as determined under the introductory paragraph hereof at the annual rates provided for in the above classes which are payable by installment payments, extending for a period of one year. On installment sales contracts providing for equal installment payments extending for a period which is less than or greater than one year the time price differential shall be computed proportionately. On contracts payable in one installment or in unequal installments the seller may receive a rate that will not yield more than would be received by the use of the rates permitted in classes 1 to 4. The time price differential shall be computed on the basis of a full month for any fractional month period in excess of 15 days.

(c) A minimum time price differential of $15 may be charged on any installment sales contract in which the time price differential, when computed at the rates indicated, results in a total charge of less than this amount.

(3) An exact copy of the installment sale contract and any note or notes given in connection therewith shall be furnished by the seller to the buyer at the time the buyer signs such contract. The buyer's

copy of the contract shall contain the signature of the seller identical with the signature on the original contract. No contract shall be signed in blank except that a detailed description of the motor vehicle including the serial number or other identifying marks of the vehicle sold which are not available at the time of execution of such contract may be filled in before final delivery of the motor vehicle.

(4) A violation of subsection (1) or (2) of this section shall bar recovery of any time price differential, or any interest on the deferred balance by the seller, or an assignee of the seller who, at the time of the assignment, had knowledge of such violation, in any suit upon a sales contract arising from the sale where such violation occurred.

(5) Prior to 30 days after acquisition of any retail installment contract from a retail seller, every finance company shall mail or deliver to the retail buyer a notice in writing that it has acquired the retail installment contract from the retail seller thereunder and shall also mail or cause to be mailed therewith a statement of the particulars of the retail installment contract price, hereinbefore required to be stated by the retail seller, in accordance with the finance company's records respecting such particulars, including the amount of the time price differential. Every finance company, if insurance is provided by it, shall also within the time stated send or cause to be sent to the retail buyer a policy or policies or certificate of insurance clearly setting forth the exact nature of the insurance coverage and the amount of the premiums which shall not exceed the rates as fixed in the published manual of a recognized standard rating bureau.

(6) In event the dealer shall finance the installment sale contract, the Commissioner may permit him to combine the information required by subsections (2) and (e) last above in one statement under such rules and regulations as the Commissioner may prescribe.

(7) Any retail buyer of a motor vehicle, resident in the state of Kentucky, at the time of purchase, under a retail installment contract, shall have a valid defense in any action or proceeding at law to enforce said contract by any finance company not licensed hereunder which has purchased or otherwise acquired such contract, if such finance company has willfully failed or refused to comply with subsection (5) of this section.

(8) Any retail buyer of a motor vehicle, resident of the state of Kentucky at the time of the purchase thereof, under a retail installment contract made in this state, shall have a valid defense against the recovery of the principal, time price differential, interest and other fees included in such contract, in any action or proceeding at law to enforce said contract by any person who has purchased or otherwise acquired said contract, if such person has failed or refused prior to such purchase or acquisition to be licensed as a sales finance company under the provisions of this section, and such person is actually engaged in business, in whole or in part as a sales finance company as defined in this section.

(9) No licensee shall charge interest in excess of 15 percent per annum.

Section 8. (1) No manufacturer of motor vehicles, no wholesaler or distributor of motor vehicles, and no officer, agent or representative of either shall induce or coerce, or attempt to induce or coerce, any retail motor vehicle dealer or prospective retail motor vehicle dealer in this state to sell, assign or transfer any retail installment sales contract, obtained by such dealer in connection with the sale by him in this state of motor vehicles manufactured or sold by such manufacturer, wholesaler or distributor, to a specified sales finance company or class of such companies, or to any other specified person, by any of the acts or means hereinafter set forth, namely:

(a) By any statement, suggestion, promise or threat that such manufacturer, wholesaler or distributor will in any manner benefit or injure such dealer, whether such statement, suggestion, threat or promise is express or implied, or made directly or indirectly.

(b) By any act that will benefit or injure such dealer.

(c) By any contract, or any express or implied offer of contract, made directly or indirectly to such dealer, for handling such motor vehicles, on the condition that such dealer sell, assign or transfer his retail installment contract thereon, in this state, to a specified sales finance company or class of such companies, or to any other specified person.

(d) By any express or implied statement or representation, made directly or indirectly, that such dealer is under any obligation whatsoever to sell, assign or transfer any of his retail sales contracts, in this state, on motor vehicles manufactured or sold by such manufacturer, wholesaler or distributor to such sales finance company, or class of companies, or other specified person, because of any relationship or affiliation between such manufacturer, wholesaler or distributor and such finance company or companies or such specified person or persons.

(2) Any such statements, threats, promises, acts, contracts or offers of contracts, set forth in subsection (1) of this section are declared unfair trade practices and unfair competition and against the policy of this state, are unlawful and are prohibited.

(3) No sales finance company, and no officer, agent or representative thereof, shall induce or coerce or attempt to induce or coerce any retail motor vehicle dealer to transfer to such sales finance company any of the retail installment sales contracts in this state of such dealer on any motor vehicle by any of the following acts or means, namely:

(a) By any statement or representation, express or implied, made directly or indirectly, that the manufacturer, wholesaler or distributor of such motor vehicles will grant such dealer a franchise to handle such motor vehicles if such deal shall sell, assign or transfer all or part of such retail sales contracts to such sales finance company.

(b) By any statement or representation, express or implied, made directly or indirectly, that the manufacturer, wholesaler or distributor of such motor vehicles will in any manner benefit or injure such dealer if such dealer shall or shall not sell, assign or transfer all or part of such retail sales contracts to such sales finance company.

(c) By an express or implied statement or representation made directly or indirectly, that there is an express or implied obligation on the part of such dealer to so sell, assign or transfer all or part of such retail sales contracts on such motor vehicles to such sales finance company because of any relationship or affiliation between such sales finance company and the manufacturer, wholesaler or distributor of such motor vehicles.

(4) Any such statement or representation set forth in subsection (3) of this section are declared to be unfair trade practices and unfair competition and against the policy of this state, are unlawful and are prohibited.

(5) Any retail motor vehicle dealer who, pursuant to any inducement, statement, promise or threat hereinbefore declared unlawful, shall sell, assign or transfer any or all of his retail installment contracts shall not be guilty of any unlawful act and may be compelled to testify to each such act.

(6) No manufacturer shall directly or indirectly pay or give, or contract to pay or give, anything of service or value to any sales finance company licensee in this state, and no such licensee in this state shall accept or receive or contract or agree to accept or receive directly or indirectly any payment or service of value from any manufacturer, if the effect of the payment or giving of any such thing of service or value by the manufacturer, or the acceptance or receipt thereof, by the sales finance company licensee, may be to lessen or eliminate competition or tend to grant an unfair trade advantage or create a monopoly in the licensee who accepts or receives the payment, thing or service of value or cantracts or agrees to accept or receive the same.

Section 9. It shall be unlawful for any motor vehicle dealer or motor vehicle salesman to refuse to furnish, upon request of a prospective purchaser, the name of the previous owner of any used car offered for sale.

Section 10. Any person, firm or corporation violating any of the provisions of this Act shall upon conviction thereof be punished as follows:

(1) For violation of any provision of Section 8 of this Act, by a fine not exceeding $10,000 or by imprisonment in the county jail for not to exceed one year or by both such fine and imprisonment.

(2) For violation of Section 3 of this Act, by a fine not exceeding $500 or by imprisonment in the county jail for a period not to exceed 90 days, or by both such fine and imprisonment.

(3) Any person violating any provision of this section or a lawful order issued thereunder for which there is no specific penalty shall, upon conviction, be subject to a fine not less than $25 and not more than $100, and imprisonment not to exceed 90 days, or both, and licensor may cancel the license of the offending licensee, and the license plates issued to any such licensee shall be surrendered to any police officer upon direction of the Department without any refund of the fees paid. Any license so cancelled shall not be renewed during the current year.

(4) Any person or persons violating sub-subsections (o), (p), (q) of subsection (1) of Section 4 of this Act may in addition to, or in lieu of, the general denial, suspension or revocation penalties in said subsection, be subject to a fine of not more than $5,000 or be subject to a suspension or revocation sentence of not more than a year effective only in the territory formerly served by the unfairly cancel dealer, or by both such fine and suspension or revocation, except that in a metropolitan area serviced by several dealers handling the same motor vehicle, the suspension or revocation order shall not be applicable to the remaining dealers.

The Committee on Labor and Industry reported **HB 308** with expression of opinion that the same should pass with committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 308: AN ACT to promote the safety of employes and travelers upon railroads by compelling common carriers by railroad to man locomotives, trains, and other self-propelled engines or machines with competent employes; to provide the least number of men that may be employed in locomotives, trains, and other self-propelled engines or machines; to provide qualifications of certain employes and to provide a penalty for the violation thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. When used in this Act and for the purposes of this Act,

(1) The term "Carrier" shall mean a common carrier by railroad, or partly by railroad and partly by water, and any receiver or any other individual or body, judicial or otherwise, when in possession of the business of carriers covered by this Act, excluding street, suburban and interurban electric railways; unless operated as a part of a general railroad system of transportation.

(2) The term "Locomotive" means any self-propelled unit operated by any form of energy or power, whether produced thereon or furnished from any outside source, and adaptable for use in moving cars upon rails or for the transportation of passengers and/or freight or property, except locomotive cranes, pile drivers, weed burners, and other self-

propelled engines or machines not used for the transportation of passengers and/or freight or property for hire.

(3) The term "Light Engine" means any locomotive operated without cars and not transporting passengers, freight or property.

(4) The term "Passenger Train" means any self-propelled unit while transporting passengers or any locomotive with one or more cars constructed for the purpose of transporting passengers, baggage, mail, express or combination of either or any.

(5) The term "Freight Train" means any train composed of one or more locomotives with one or more cars or other vehicles constructed for the purpose of transporting freight or other property not specifically referred to in the above definition of a passenger train.

(6) The term "Engineer" means a person who operates a locomotive and performs related work.

(7) The term "Fireman" means a person who fires a locomotive and/or assists an engineer in the performance of his duties as such.

(8) The term "Conductor" means a person having charge of the operation of a train en route, at stations and between stations; and who performs related work.

(9) The term "Flagman" means a person whose duties are to furnish flag protection to the train to which he is assigned as prescribed by the rules of the carrier.

(10) The term "Brakeman" means a person who assists a conductor in the operation and protection of a train, and who performs related work.

(11) The term "Yard Conductor" or "Foreman" means a person whose duties are to supervise and assist in the work of switching and yard work train service, including supervision of the breaking up and making up of trains, and to perform related work.

(12) The term "Yard Brakeman" or "Helper" means a person whose duties are to couple, uncouple, and ride cars in connection with the breaking up and making up of trains; to handle switches; and to perform related work in connection with yard switching service.

(13) The term "Main Track" means any continuous track over which trains operate through and between stations.

(14) The term "Competent Employe" means:

(a) One who is able to read and understand the time tables of the carrier by whom he is employed, and read ordinary handwriting in the English language, and who is able to speak, hear and understand the English language, and to see, distinguish and understand the signals required by the book of rules of the carrier governing the operation of the locomotives and trains of such carrier. When defective sight can be remedied by the use of glasses or other means, such defective sight shall not thereby render an employe incompetent under this Act.

(b) As applied to an engineer, one who, in addition to being possessed of the qualifications prescribed in paragraph (a) hereof, shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing the position of an engineer.

(c) As applied to a conductor, one who, in addition to being possessed of the qualifications prescribed in paragraph (a) hereof, shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing conductors.

(d) As applied to a flagman, one who, in addition to being possessed of the qualifications prescribed in paragraph (a) hereof, shall have had at least one year's experience in train service and shall have passed the regular examination prescribed by the carrier concerning the rules and regulations governing brakemen.

(e) As applied to a fireman, a brakeman, or a yard brakeman or helper, one who, in addition to being possessed of the qualifications prescribed in paragraph (a) hereof, shall have passed the regular examination prescribed by the carrier concerning rules and regulations governing firemen, brakemen or yard brakemen or helpers.

(f) As applied to a yard conductor or foreman, one who, in addition to being possessed of the qualifications prescribed in paragraph (a) hereof, shall have passed a regular examination prescribed by the carrier concerning rules and regulations governing yard conductors or foremen.

Section 2. It shall be unlawful for any carrier to operate, or permit to be operated, any passenger train in the State of Kentucky, unless said train shall be manned by a crew of competent employes, which crew shall consist of not less than one engineer, one fireman, one conductor, one flagman, and one baggagemaster or brakeman.

Section 3. It shall be unlawful for any carrier to operate, or permit to be operated, any local freight or mine run train doing any switching or unloading of any freight of any nature whatever, without a crew of competent employes, which crew shall consist of not less than one engineer, one fireman, one conductor, one flagman, and two brakemen.

Section 4. All other trains, not specifically referred to hereinbefore, shall be manned by a crew of not less than one engineer, one fireman, one conductor, one flagman, and one brakeman.

Section 5. It shall be unlawful for any carrier to use, operate or permit any locomotive to be used or operated in any railroad yard, or on any railroad track, to handle or switch cars, or to transfer cars from one railroad to another, or from one railroad yard to another raiload yard unless each and every such locomotive, while handling or switching cars, shall be manned by a crew of competent employes, which crew shall consist of not less than one engineer, one fireman, one yard conductor or foreman, and two brakemen or helpers.

Section 6. It shall be unlawful for any carrier to operate, or permit to be operated on its main track, any single locomotive unless said locomotive is manned by a crew of competent employes, which crew shall consist of not less than one engineer, one fireman, and one conductor or flagman.

Section 7. It shall be unlawful for any carrier to operate as a locomotive or permit to be operated as a locomotive, on its main track, any self-propelled crane, pile-driver, weed-burner, tie tamper, or other self-propelled engine or machine not used for the transportation of passengers and/or freight or property for hire, which has sufficient power to draw or propel itself and one or more standard railroad cars, unless such engine or machine shall be manned by a crew of competent employes consisting of not less than one conductor, one flagman, and one brakeman.

Section 8. In the case of the disability of a member of a crew between terminals, the carrier shall have the right to operate the locomotive or train with a less number of employes than is provided herein until such locomotive or train arrives at the next terminal, or other intermediate place on the road, where employes of the same class as the disabled employe are available, when such carrier shall fill the vacancy on such crew. This act shall not apply to relief or wrecking trains where sufficient competent employes are not available.

Section 9. Any rail carrier corporation and any officer, agent or employe of such corporation who organizes a crew for the operation of a locomotive or train, who violates any provisions of this Act, either in the organizing of the crew or in operating the locomotive or train with a crew with less officers and employes than is required by this Act, shall be fined Fifty ($50.00) Dollars for such illegal organizing of such crew and for such operations of a locomotive or train with a crew organized with less officers and employes than is required by this Act, and each day a locomotive or train is so operated by a crew organized with less officers and employes than is required by this Act shall constitute a separate offense for the corporation and its officer, agent or employe who organized such crew in violation of this Act.

Section 10. All acts and parts of acts in conflict with this Act are hereby repealed to the extent of the conflict.

Representative Blankenship moved that **HB 127** be read at length for the first time and placed in the Calendar.

On roll call, the vote was: Yeas 33—Blankenship, Bush, Casey, Caudill, Conrad, Day, Dunsil, Flanery, Freeman, Griffin, Grundy, Hahn, Heyburn, Hinkle, Isler, Mackey, McFadden, Melton, Miller, Moore, Mullins, Murphy, Nunn, Peace, J. B. Reed, H. V. Reid, Reynolds, Searcy, Tanner, Thompson, L. B. Wells, Williamson, Wirsch. Nays 26—Anderson, Barnum, Baumgardner, Billington, Breckinridge, Buchanan, Embry, Gay, Grigsby, Gullette, Highland, C. S. Howard,

D. W. Howard, Jennings, Johnson, Kubale, Newsom, Ockerman, Parrish, Pollitte, Qualls, Ratcliffe, Rayburn, V. Reed, Sloan, Wilson. The motion to read **HB 127** into the Calendar was rejected.

Calendar

HB 99 and **HB 327** were taken from the Calendar and ordered read at length for the second time. Ordered placed in Orders of the Day.

Orders of the Day

HB 112 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed.

Representative Holsclaw moved that a second amendment to **HB 112** be adopted in lieu of the Committee Amendment. Amendment No. 2 follows: "Amend printed copy of H.B. 112 as amended on pages 2 and 3 section 2, lines 29 to 37 both inclusive. By striking lines 29 to 37, both inclusive, and substituting therefor the following: (b) a rate on both 'wages' and 'net profits' of one and one-fourth (1¼) percent. Provided, however, that the authorization granted by this Act with respect to plan (b) shall expire as of December 31, 1958." Agreed.

HB 112 as amended read at length for the third time.

Representative Holsclaw moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 64—Anderson, Barnum, Baumgardner, Billington, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Carter, Cottengim, Davidson, Davis, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Harris, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Martin, McCallum, McFadden, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parish, Peace, Qualls, Ray, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Sloan, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wilson, Wirsch. Nays 0. **HB 112** was passed and the title agreed to.

HB 223 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 74—Anderson, Barnum, Baumgardner, Blankenship, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey Caudill, Conrad, Cornett, Cottengim, Davis, Dunsil, Everett, Farmer, Flanery, Gay, Greene, Griffin, Grigsby, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Mackey, Martin, McCallum, McFadden, Melton, Miller, Moore, Mullins, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reed, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Tanner, Thompson, Tinsley, Wathen, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 1—Blue. **HB 223** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and that the motion be laid on the table. Agreed.

HB 123 taken from Orders of the Day. Representative Morgan moved that it be placed on passage.

Representative Harris moved to amend **HB 123** as follows: "Amend printed copy of HB 123 on page 1, section 1, line 5 by inserting after the word licensee, the words 'a place for.'" Adopted.

HB 123 with amendment read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 71—Anderson, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridges, Buchanan, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lowman, McCallum, McFadden, Melton, Miller, Moore, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, V. Reed, R. Reid, Sr., Reynolds, Searcy, Sloan, Tinsley, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 1—Mackey. **HB 123** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and that the motion be laid on the table. Agreed.

HB 201 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Tanner moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 69—Anderson, Baumgardner, Billington, Blue, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Casey, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Embry, Everett, Freeman, Gay, Greene, Hadden, Hahn, Harris, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Ratcliffe, Ray, Rayburn, V. Reed, R. Reid, Sr., Reynolds, Searcy, Sloan, Tanner, Thompson, Wathen, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays 3—Blankenship, J. B. Reed, L. B. Wells. **HB 201** was passed and the title agreed to.

Introduction of Resolutions

Representative Lowman moved that the rules be suspended to introduce a resolution.

HR 40, by Representative Lowman: A JOINT RESOLUTION adjourning in memory of the late Lee J. Merkel, Lieutenant Colonel, Kentucky Air National Guard.

WHEREAS, Lieutenant Colonel Lee J. Merkel, Kentucky Air National Guard, met his death on 31 January, 1956, in the crash of a Kentucky Air National Guard aircraft, which the said Lee J. Merkel was piloting pursuant to his duties as an Air National Guardsman, and

WHEREAS, the mission on which the said Lee J. Merkel met his death was being flown by him as a means of retaining his skill at flying and as a means of increasing his proficiency as a pilot of aircraft to the end that the Air Defense of this nation be maintained at its present level of superiority, and

WHEREAS, the said Lee J. Merkel, an outstanding pilot of aircraft, has unselfishly, courageously and with the highest devotion to duty given of his time and efforts in cooperation with other members of the Kentucky Air National Guard, in making said Air National Guard unit second to none in the nation, and

WHEREAS, the said Lee J. Merkel served his country with distinction, valor, high courage and gallantry during World War II, having flown one hundred and forty-three combat mission (on one of which he was shot down behind enemy lines) in six campaigns in North Africa, Sicily, Italy and France, and having received numerous decorations in the form of the Air Medal with five clusters, the Distinguished Flying Cross, and two Presidential Unit Citations, and

WHEREAS, in addition to his distinguished service in World War II, the said Lee J. Merkel was recalled to active duty on October 10, 1950, during the time of the Korean conflict, and again unhesitatingly answering the call, served for two years in England in such manner and with such a devotion to duty as to reflect the highest credit upon this nation and our beloved Commonwealth,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That when the House of Representatives and the Senate of the Commonwealth of Kentucky do adjourn today, they do so in honor of and in memory of the late Lee J. Merkel, Lieutenant Colonel, Kentucky Air National Guard.

That the Clerk of the Senate cause copies of this resolution to be presented to Mrs. Catherine T. Merkel, widow of Colonel Merkel and to each of his four surviving children and to his commanding officer, Brigadier General Philip Ardery, Kentucky Air National Guard.

Representative Lowman moved adoption of **HR 40.** Adopted.

Orders of the Day

HB 264 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed.

Representative Day, seconded by Representative Bridgers, moved that **HB 264** be recommitted for public hearing on February 7, 1956. Representative C. S. Howard moved to table the motion. The motion to table was rejected. The motion to recommit was rejected.

HB 264 read at length for third time. Representative Davidson moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 25—Bates, Billington, Carter, Cottengim, Everett, Flanery, Freeman, Gay, Greene, Grundy, Hahn, Heskamp, Hinkle, Isler, Johnson, Mackey, McCallum, Melton, Ratcliffe, Reynolds, Searcy, Tanner, Tinsley, A. W. Wells, L. B. Wells. Nays 31 —Blankenship, Blue, Breckinridge, Bridgers, Buchanan, Caudill, Davidson, Day, Farmer, Grigsby, Hadden, Hawkins, Heyburn, Hill, Holsclaw, C. S. Howard, D. W. Howard, Miller, Mullins, Murphy, Newsom, Nunn, Ockerman, Peace, Ray, Rayburn, H. V. Reid, Sloan, Thompson, Wilson, Wirsch. **HB 264** was defeated.

Representative Davidson moved that the vote by which said bill was lost be reconsidered and the bill laid on the Clerk's desk. Agreed.

HB 278 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed. Representative Hilton moved to lay **HB 278** on Clerk's desk. Agreed.

Senate Message

Senate message announcing the passage of **SR 9, SR 10, SR 15, SR 26, SR 27, SR 28, SR 50, SB 11, SB 37, SB 42, SB 73, HR 16, HB 60** read by the Clerk.

Introduction of Bills and Resolutions

HB 411, by Representative L. B. Wells, AN ACT relating to county tax commissioners.

HB 412, by Representative L. B. Wells, AN ACT relating to fraudulent display of badges.

HB 413, by Representative Hawkins, AN ACT relating to zoning and planning powers of cities of the third, fourth, fifth and sixth class.

HB 414, by Representative Thompson, AN ACT providing for an alternate method of financing the operation of a county law library in counties containing a city of the third class.

HB 415, by Representative Searcy, AN ACT relating to the duties and powers of water districts.

Committee Substitute for **HB 67**, by Representative Melton (AN ACT relating to petty loan companies, and amending Section 288.150 of the Kentucky Revised Statutes).

HB 416, by Representatives Harris and Bridgers, AN ACT to regulate the sale of motor fuels.

HB 417, by Representative Nunn, and C. S. Howard, AN ACT relating to conduct of regular elections.

HB 418, by Representative Holsclaw, AN ACT relating to subdivision roads in counties containing a city of the third class and amending KRS 179.470.

HB 419, by Representative Holsclaw, AN ACT to amend and reenact KRS 64.530, subsection (1), relating to the compensation of county officers and employees.

HB 420, by Representative Wirsch and Cottengim, AN ACT relating to the limit on compensation of local officers and employes.

HB 421, by Representative Anderson, AN ACT to regulate the transportation of passengers of all races.

HB 422, by Representative J. B. Reed, AN ACT relating to fees of circuit clerks.

HB 423, by Representative J. B. Reed, AN ACT relating to the advancement of funds from the State Treasury to pay witnesses.

HB 424, by Representative J. B. Reed, AN ACT relating to the method of ascertaining the population of certain counties.

HB 425, by Representatives Hahn, Hadden Hilton and Young, AN ACT authorizing the fiscal courts of the respective counties of the Commonwealth to appropriate and donate county funds to nonprofit corporations or associations for recreation or conservation purposes, and providing restrictions thereto.

HB 426, by Representative Tanner, AN ACT relating to taxation, in particular, imposing a tax on transient lodging charges and dedicating such revenue to the teachers retirement fund.

HB 427, by Representative Harris, AN ACT relating to sales limitation bill.

HB 428, by Representative Burnley, AN ACT relating to the political rights of employes.

HR 37, by Representative Searcy, AN ACT authorizing civil action against the Commonwealth in the interest of H. B. Wilson.

HR 38, by Representative Freeman, A RESOLUTION inviting Master Lee Miller Dean, a page, to appear before the House of Representatives.

HR 39, by Representative Tanner, A CONCURRENT RESOLUTION, memorializing the United States Congress to appropriate a sufficient sum of money to aid cities of the Ohio Valley Water Sanitation District in constructing sewage disposal systems.

Representative Morgan moved to adjourn until 10 A. M., February 2. Agreed.

THURSDAY, FEBRUARY 2

TWENTY-FIFTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Msgr. Joseph A. O'Dwyer, Church of the Good Shepherd, Frankfort.

Roll call showed all present except Beshear, Billington, Breckinridge, Buchanan, Bush, Cottengim, Davidson, Davis, Embry, Harris, Kubale, Lambert, Martin, Nunnelley, Parrish, Ratcliffe, V. Reed, Weintraub, Williamson, who were granted leave of absence on motion of Representative Morgan.

Representative Burnley moved that reading of February 1 Journal be dispensed with and that same be approved. Agreed.

Reference of Bills and Resolutions

The Speaker announced referral of the following bills and resolutions:

State and County Government: **HB 411, HB 415, HB 422, HB 424**

Judiciary: **HB 412**

Municipalities: **HB 413, HB 414**

Ways and Means: **HB 416, HB 418, HB 419, HB 420, HB 421, HB 423, HB 425, HB 427, HB 428, HR 37, HR 38, HR 39, HR 24, SB 22, SB 37, SB 42, SB 45, SB 73, SB 91, SR 9, SR 10, SR 15, SR 27, SR 28**

Suffrage, Elections and Constitutional Amendment: **HB 417, SB 11**

Revenue and Taxation: **HB 426**

Introduction of Resolutions

Representative Heyburn introduced the following Resolution:

A RESOLUTION inviting the Governor to address the House of Representatives, and inviting the Senate to attend.

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That the Speaker of the House be authorized and directed to appoint a Committee of five members to call upon the Governor of the Commonwealth of Kentucky and invite him to address the members of the House prior to the adjournment of the Regular Session thereof, for the purpose of outlining and discussing his revenue and budgetary proposals, so that the membership of this House may intelligently discuss these important matters with their constituents prior to the convocation of the special sessions, and be it further, RESOLVED, that the Committee invite the Senate to attend the Governor's address.

Representative Heyburn moved adoption of the Resolution. Adopted.

Recess

The House recessed for thirty minutes for committee meetings, on motion of Representative C. S. Howard.

At the appointed hour the Speaker called the House to order.

Report of Committees

The Committee on Military Affairs and Civil Defense reported **HB 390** and **SR 47** with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 390: AN ACT relating to veterans.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Veterans of the Korean conflict, and of all wars in which the United States of America has participated, who have been discharged for other than dishonorable reasons, and who resided in this state six months next preceding the date of enlistment shall be given preferential consideration in filling positions in state employment, provided, any such veteran who is an applicant for a state position must meet the educational and physical requirements for such position. If there is a competitive examination for the position, a veteran who was disabled as established by the United States Veterans' Administration while serving in the armed forces of the United States in a military capacity and who was honorably discharged shall be given a ten percent preference. All other veterans shall be entitled to a five percent preference in any such examination.

SR 47: A JOINT RESOLUTION petitioning Congress to amend the provisions of the Serviceman's Readjustment Act of 1944.

WHEREAS, it appears that an injustice has been done to those qualified veterans of World War II who failed, through lack of necessity, lack of knowledge or inadvertance, to make timely application for unemployment readjustment allowances under the provisions of the Servicemen's Re-adjustment Act of 1944, and

WHEREAS, it appears in the interest of equity, justice and good conscience that some provisions should be made to allow qualified veterans of World War II, who failed to make timely application for unemployment readjustment allowances under the provisions of the Serviceman Readjustment Act of 1944, to avail themselves of the unemployment benefits afforded said qualified veterans of World War II under said Act, and

WHEREAS, it appears that such injustice can only be corrected by enactment by the Congress of legislation extending the time limits within which application, by qualified veterans of World War II, may be made for unemployment readjustment allowances under the provisions of the Serviceman's Readjustment Act of 1944.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the U. S. Congress is requested to act, in the exercise of its broad legislative powers to correct the injustice done to those qualified veterans of World War II who failed, through lack of necessity, lack of knowledge or inadvertence, to make timely application for unemployment readjustment allowances under the provisions of the Serviceman's Readjustment Act of 1944.

Section 2. That this correction be effected by the enactment of legislation extending the time limits within which qualified veterans of World War II may make application for the unemployment readjustment allowances provided for in Serviceman's Readjustment Act of 1944.

Section 3. That the Clerk of the Senate is directed to forward copies of this resolution to each member of Congress from Kentucky and to the President and Secretary of the Senate and the Speaker and Clerk of the House of Representatives of the Congress and the administration of veterans offices.

The Committee on Conservation reported **HB 207** without expression of opinion.

The Committee on Suffrage and Elections reported **HB 187** with Committee Substitute, **HB 113**, **HB 371**, **HB 280**, and **HB 304** with expression of opinion that same should pass. Read at length for the first time and ordered placed in Calendar.

HB 187: AN ACT proposing an amendment to the Constitution of the Commonwealth of Kentucky relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Constitution of the Commonwealth of Kentucky be amended in relation to the subject of education so that the following section thereof shall read as follows:

"Section 183. The General Assembly shall, by appropriate legislation, provide for an efficient system of common schools throughout the State. There shall be a State Board of Education consisting of nine members which shall have the general management and control of the common school system of the State and such additional duties as may be prescribed by law, appoint the Superintendent of Public Instruction, who shall act as its executive agent and serve for such reasonable term as may be fixed by the Board, and fix a reasonable compensation for his services. Eight of the members of the State Board of Education shall be appointed by districts, and the ninth member shall be appointed from the State at large; the General Assembly shall, during the 1958 regular session, divide the State, by counties, into eight districts as nearly equal in population and compact in form as possible, and it may, commencing in 1972, and every ten years thereafter, redistrict the State in like manner. All fees collected by said Board shall be covered into the treasury.

"Members of boards of school districts in the common school system shall have such qualifications and shall be elected for such reasonable terms of years as may be prescribed by law. Other officers and employees serving in the common school system shall be appointed for such reasonable terms as may be prescribed by law and shall have such qualifications and duties, and receive such salaries, as shall be established in accordance with regulations issued by the State Board of Education pursuant to law classifying the nature and duties of such officers and employees; provided, that nothing in this section shall be construed to prevent teacher tenure.

"There shall be governing boards consisting of nine appointive members each for such State institutions of higher education as may be established by law, which shall have the management and control of their respective institutions, subject only to such general coordination among the institutions as may be required pursuant to law. The Governor shall be the board chairman of such State universities, and the Superintendent of Public Instruction shall be the board chairman of such State colleges, as may be established by law. Said boards shall further have the management and control of funds of, and appropriations to, their respective institutions, including the fixing of salaries, subject to audit, and shall report at least annually to the Governor and to the General Assembly on all receipts and expenditures.

"There shall be a board of public higher education consisting of nine members, which shall be responsible for such general coordination of State institutions of higher education as may be provided for by law whenever two or more such institutions are in existence. Nothing herein shall preclude the consolidation of any two or more institutions into a single institution.

"Commencing July 1, 1958, the Governor shall appoint nine members for each of the boards provided for in this section, as follows: one member each for nine, eight, seven, six, five, four, three, two and one year terms, respectively, and upon the expiration of the respective terms of said members their successors shall be appointed by the Governor for terms of nine years each. All members of said boards shall serve until the expiration of their respective terms and until their successors are appointed and qualified; provided, that in the event no successor is appointed within thirty days after the expiration of the term of any member whose appointment is herein provided for, such member shall be deemed to have been reappointed for a full term. In the event that a vacancy shall occur on any board by reason of the death of a member, or for any other reason, the board shall appoint a successor who shall hold office until the expiration of the term and the appointment and qualification of a successor as herein provided.

"The appointive members of the boards provided for in this section shall possess such qualifications, and receive such reasonable per diem for their services, as shall be prescribed by law. Each of the boards shall elect a vice-chairman, and the State Board of Education and the board of public higher education, a chairman, annually from its membership.

"Those sections of the Constitution in conflict with the provisions hereof are hereby superseded to the extent that they conflict herewith."

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

HB 113: AN ACT providing for the taking of the sense of the Commonwealth of Kentucky as to the necessity and expediency of calling a limited convention for the purpose of revising or amending the Constitution of Kentucky, and such amendments as may have been made to same, except that Section 1 through Section 26 and Sections 49, 145, 147, 170, 186, 230 and 246 shall not be before the convention to be revised or amended, as provided by Section 258 of the present Constitution of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the same sense of the people of the Commonwealth of Kentucky as to the necessity and expediency of calling a limited convention for the purpose of revising or amending the present Constitution, and such amendments as may have been made to the same, except that Section 1 through 26 and Sections 49, 145, 147, 170, 186, 230 and 246 shall not be before the convention to be revised or amended, shall be taken as herein provided and as provided by Section 258 of the present Constitution of Kentucky.

Section 2. When this Act is passed at the present session of the General Assembly by a majority of all members elected to each house of the present General Assembly, that is when a majority of all the members of each house shall concur by a yea and nay vote, to be entered upon their respective journals, this Act shall be spread upon the respective Journals of each house as a law.

Section 3. If the next session of the General Assembly shall, in like manner concur in this Act after it becomes a law as herein provided, it shall provide for having a poll opened in each voting precinct in this state by the officers provided by law for holding general elections at the next ensuing regular election to be held for state officers or members of the House of Representatives which does not occur within ninety days from the final passage of such law, at which time and place the votes of the qualified voters shall be taken for and against calling the limited convention, in the same manner provided by law for taking votes in other state elections. The vote for and against said proposition shall be certified to the Secretary of State by the same officers and in the same manner as in state elections. If it shall appear that a majority voting on the proposition was for calling a limited convention, and if the total number of votes for the calling of the limited convention is equal to one-fourth of the number of qualified voters who voted at the last preceding general election in this State, the Secretary of State shall certify the same to the General Assembly at its next regular session, at which session a law shall be enacted calling a limited convention to readopt, revise or amend the present Constitution of this State, and such amendments as may have been made thereto, as provided in Section 1 of this Act.

Section 4. That before any constitution agreed upon by said limited convention shall take effect or become operative, the same shall be submitted to the qualified voters of the Commonwealth of Kentucky after at least ninety days' notice, and ratified by a majority of those voting.

HB 371: AN ACT relating to the Department of Military Affairs.

WHEREAS, the Congress of the United States, through the enactment of public law, has provided Federal funds to cover seventy-five percent of the construction cost of National Guard armories within the several states, and

WHEREAS, the Commonwealth of Kentucky has a requirement for fourteen National Guard armories and is eligible to receive seventy-five percent of their construction cost from the Federal government, provided that the remaining twenty-five percent of construction cost is made available from State funds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act may be cited as the National Guard Armory Construction Act.

Section 2. In enacting this Act, it is the intention of the General Assembly to provide funds for the construction of National Guard armories at the following locations: Olive Hill, Jackson, Barbourville, Louisville, Shively, Bardstown, Carrollton, Brandenburg, Hopkinsville, Tompkinsville, Marion, Monticello, Middlesboro, and Glasgow.

Section 3. As used in this Act, unless the context otherwise requires:

(1) "Armory" means a structure in which to house, administer, train, and equip a unit or units of the Kentucky National Guard, and all appurtenances necessary thereto.

(2) "Federal funds" means funds provided by the Congress of the United States through the enactment of public law for the construction of National Guard armories in the several states.

Section 4. To carry out the purposes of this Act, there is appropriated to the Governor's Special Emergency Fund, for the purpose of construction of National Guard armories, whatever surplus remains in the General Expenditure Fund at the end of the 1956-1957 fiscal year, not to exceed the sum of five hundred seventy-one thousand dollars. The funds so appropriated shall be available for the Governor's use for this purpose until expended, or until the close of the fiscal year 1957-1958, which ever occurs first and disbursement of the sum so appropriated shall be authorized by the Commissioner of Finance on requisition by the Governor.

HB 280: AN ACT proposing amendment to Sections 31 and 42 of the Constitution of the Commonwealth of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Sections 31 and 42 of the Constitution of the Commonwealth of Kentucky be amended to read as follows:

Section 31. (1) The Senate shall be composed of one Senator from each Senatorial District, elected by the legally qualified voters of the district. Of the nineteen Senators to be elected in the year 1957, those elected from Senatorial Districts numbered 2, 4, 8, 10, 14, 16, 20, 22, 26, 28, 32, 34 and 38 shall hold their offices for four years, and the remaining six elected from Senatorial Districts numbered 6, 12, 18, 24, 30 and 36 shall hold their offices for six years. Of the nineteen Senators to be elected in the year 1959, those elected from Senatorial Districts numbered 3, 5, 9, 11, 15, 17, 21, 23, 27, 29, 33 and 35 shall hold their offices for six years, and the remaining seven elected from Senatorial Districts numbered 1, 7, 13, 19, 25, 31 and 37 shall hold their offices for four years. Every two years thereafter there shall be elected for six years one Senator in each Senatorial District in which the term of his predecessor in office shall then expire.

(2) The House of Representatives shall be composed of one Representative from each Representative District, elected by the legally qualified voters of the District. Representatives shall hold their

offices for four years, provided, however, that of the one hundred Representatives to be elected in the year 1957, those elected from the even numbered Representative Districts shall hold their offices for two years, and those elected from the odd numbered Representative Districts shall hold their offices for four years. Every two years thereafter, there shall be elected for four years one Representative in each Represenative District in which the term of his predecessor in office shall then expire, so that one-half of them shall be chosen biennially thereafter.

Section 42. The members of the General Assembly shall severally receive from the State Treasury compensation for their services, which shall be twenty-five dollars a day during their attendance on, and fifteen cents per mile for the necessary travel in going to and returing from the sessions of their respective Houses: Provided, the same may be changed by law; but no change shall take effect during the session at which it is made. A session of the General Assembly may be adjourned sine die at any time, however, no session shall continue beyond one hundred and twenty legislative days, exclusive of Sundays and legal holidays. A legislative day shall be construed to mean a calendar day. No bill shall be introduced in either House of the General Assembly after the ninetieth legislative day of a regular biennial session, unless its introduction is approved by unanimous consent of the members of the House in which it is introduced. After the one hundred and fifth day of the session, no bills may be introduced.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Section 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

HB 304: AN ACT relating to purgation of voters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (2) of Section 117.810 of the Kentucky Revised Statutes is amended to read as follows:

(2) The failure of any person to vote at any primary or regular election for five consecutive years, as shown by the voting record of such person on his registration record, shall constitute a cause for challenge of any such person, and the board may challenge and ascertain, in the manner provided in subsection (1) of this section, such person's right to remain registered.

Section 2. Subsection (3) of Section 117.815 of the Kentucky Revised Statutes is amended to read as follows:

(3) The failure of any person to vote at any primary or regular election for five consecutive years, as shown by the voting record of such person on his registration record, shall be prima facie evidence that he is no longer entitled to registration. The board shall, in January of each year, cause a check of all registration records to be made and a list prepared of all persons whose registration records indicate that they have failed for five consecutive years to vote at any primary or regular election, and shall mail a notice to each person on the list, stating that his registration will be cancelled, for failure to vote, unless protest is filed within five days from the date of the notice. If no protest is filed within that time, the registration shall be cancelled. If protest is filed, the board shall make an investigation, and shall not cancel the registration if the person is legally entitled to registration.

The Committee on Conservation reported **HB 151** with expression of opinion that the same should pass by way of committee substitute. Read at length for the first time and ordered placed in the Calendar.

HB 151: AN ACT relating to forestry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There shall be established and maintained within the nursery or nurseries of the Division of Forestry a section or sections for the propagation of blight resistant Chinese or Italian Chestnut tree seedlings. Such seedlings shall be distributed to landowners and citizens of the Commonwealth at reasonable cost and under and subject to such rules and regulations as may be established by the Director of Forestry.

Section 2. To carry out the purposes of this Act, there is appropriated to the Division of Forestry out of the General Expenditure Fund in the State Treasury the sum of fifteen thousand dollars for the balance of the 1955-56 fiscal year. Any unexpended balance remaining on June 30, 1956, shall not lapse, but shall be available for expenditure during any following fiscal year.

The Committee on Agriculture reported **HB 168** with expression of opinion that the same should pass with Committee amendment. Read at length for the first time and ordered placed in the Calendar.

HB 168: AN ACT relating to weights and measures and amending Section 363.240 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. "Commodities" include all commodities packaged, wrapped, canned or bottled in advance of sale.

Section 2. Section 363.240 of the Kentucky Revised Statutes is amended to read as follows;

(1) The department shall have the power to:

(a) Inspect, test, try, and ascertain if they are correct, all weights, measures, and weighing or measuring devices kept, offered or exposed for sale in this state, or commercially used or employed in proving the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased or offered or submitted for sale, hire or award, or in computing any charge for services rendered on the basis of weight or measure, or in determining weight or measure when a charge is made for such determination, except that this power shall not extend to meters of public utility companies which are tested by authority of the Public Service Commission, and except that this power shall be subject to the provisions of KRS 351.180 and 352.520.

(b) Inspect, test and weigh all packaged commodities purchased or offered for sale in this state to ascertain if they are correctly labeled as to weight, measure or numerical count.

(2) For the purposes mentioned in subsection (1) and in the enforcement and administration of KRS 363.170 to KRS 363.290, the director and inspectors in the employ of the division may, without warrant, enter and go into or upon any stand, place, building or premises or stop any vendor, peddler, itinerant buyer, or person in charge of any delivery vehicle, and require him, if necessary, to proceed to some suitable place where the inspection or test contemplated by this section may be made.

Section 3. No person shall sell any commodity in any other manner than by net weight, liquid measure, dry measure, or numerical count.

Section 4. No person shall sell, offer or expose for sale any commodity so packed which is misleading to the buyer as to the net weight, measure, or numerical count.

Representative A. W. Wells moved that **HB 168** be amended as follows: "Amend printed copy of House Bill No. 168 on page 1, section 1, line 2 by adding after the word 'sale' the following, 'except commodities prepared in the home and not intended for regular commercial sale.'" Adopted.

The Committee on Agriculture reported **HB 77** and **HB 345** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 77: AN ACT relating to rabies and dog control and livestock and dog protection.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 258.355 of the Kentucky Revised Statutes is amended to read as follows:

(1) Notwithstanding any of the provisions of this Chapter, the Commonwealth of Kentucky shall not be liable for any loss, injury to, or destruction of livestock, poultry, or licensed dog under any of the terms or provisions of Section 258.095 and 258.990 of the Kentucky Revised Statutes except as to such claims arising after June 30, 1954, and then only to the extent that monies may be available in the Livestock Fund for the payment of such claims. Within the meaning of the section, the loss, injury to, or damage of livestock, poultry or licensed dog must happen or occur after June 30, 1954.

(2) All claims made in accordance with this Act for loss, injury to or destruction of livestock, poultry or licensed dog for the period preceding June 30, 1955 shall be paid not later than April 1, 1956 if there be sufficient monies available in the Livestock Fund for such payment. The provisions of subsection (2) of this Act shall not be construed as affecting the rights of those persons who may have valid claims under this Act but have not presented same for payment prior to April 1, 1955.

Section 2. WHEREAS, the failure to pay owners for the loss, injury or destruction of livestock, poultry or licensed dog for claims arising after June 30, 1954 imposes an unconscionable burden upon such persons, an emergency is hereby declared to exist and this Act shall take effect upon its passage and approval by the Governor.

HB 345: AN ACT relating to purebred cattle.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 246.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in this section, unless the context otherwise requires:

(a) "Department" means the Department of Agriculture, Labor and Statistics.

(b) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

(c) "Purebred" means registered by the appropriate association, organization or authority.

(d) Neither "show" or "exhibition" or "show, exhibition and sale" shall include those held as a part of or in connection with any county or other local fair.

(2) It shall be the duty of the Department of Agriculture, Labor

and Statistics to aid, encourage, foster and promote the development and the improvement of the purebred cattle industry in Kentucky. To that end, it shall be the duty of the department to promote and to aid and assist in the promotion of annual shows and sales of purebred cattle in Kentucky with the object and purpose of establishing Kentucky as one of the greatest centers in the United States for the breeding, producing, raising, exhibition, showing and sale of purebred cattle and for said purposes there hereby is appropriated out of the General Expenditure Fund to the department the sum of thirty-one thousand dollars for each of the fiscal years 1956-1957 and 1957-1958.

(3) (a) From the appropriation made in subsection (2) of this section, six thousand dollars shall be used and applied in each of said fiscal years as follows: Not less than four thousand dollars nor more than five thousand dollars shall be used and applied to the payment of premiums for the largest purebred Aberdeen-Angus show and sale which may be held in Kentucky in each of the fiscal years 1956-1957 and 1957-1958 which is open on equal terms and conditions to all Aberdeen-Angus breeders in the United States. The remainder shall be used and applied by the commissioner for appropriate advertising of such show and sale in such livestock journals and other advertising media as the commissioner in his discretion may determine.

(b) From the appropriation made in subsection (2) of this section, six thousand dollars shall be used and applied in each of said fiscal years as follows: Not less than four thousand dollars nor more than five thousand dollars shall be used and applied to the payment of premiums for the largest purebred Hereford show and sale which may be held in Kentucky in each of the fiscal years 1956-1957 and 1957-1958 which is open on equal terms and conditions to all Hereford breeders in the United States. The remainder shall be used and applied by the commissioner for appropriate advertising of such show and sale in such livestock journals and other advertising media as the commissioner in his discretion may determine.

(c) From the appropriations made in subsection (2) of this section, six thousand dollars shall be used and applied in each of said fiscal years as follows: Not less than four thousand dollars nor more than five thousand dollars shall be used and applied to the payment of premiums for the largest purebred Shorthorn show and sale which may be held in Kentucky in each of the fiscal years 1956-1957 and 1957-1958 which is open on equal terms and conditions to all Shorthorn breeders in the United States. The remainder shall be used and applied by the commissioner for appropriate advertising of such show and sale in such livestock journals and other advertising media as the commissioner in his discretion may determine.

(d) From the appropriation made in subsection (2) of this section, six thousand dollars shall be used and applied in each of said fiscal years as follows: Not less than four thousand dollars nor more than five thousand dollars shall be used and applied to the payment of premiums for the largest purebred Polled Hereford show and sale which may be held in Kentucky in each of the fiscal years 1956-1957 and 1957-1958 which is open on equal terms and conditions to all Polled Hereford breeders in the United States. The remainder shall be used and applied by the commissioner for appropriate advertising of such show and sale in such livestock journals and other advertising media as the commissioner in his discretion may determine.

(4) Any show, exhibition and sale of purebred cattle to be eligible to receive the aforesaid appropriations must provide that the entries in all classes must be open upon equal terms to the breeders of such cattle in all of the states of the United States, and the Dominion of Canada may be included. The commissioner shall determine with respect to each of the aforesaid breeds of cattle which show, exhibition and sale is the largest to be held in Kentucky in each year and, in making such determination, he may consider such shows, exhibitions and sales as may have been held in Kentucky in any previous year and in any previous two-year period.

(5) The remainder of the appropriations made in subsection (2) of this section for each of said fiscal years shall be used and applied by the department as follows, to-wit: At least five thousand dollars of the remainder of said appropriation shall be used to add premium money otherwise available for shows and exhibitions of purebred dairy cattle to be held in Kentucky at such places and in such regions or districts as the commissioner may determine; and the remaining balance thereof shall be used and applied by the department in advertising and in promoting such purebred dairy cattle shows and exhibitions in such livestock journals and other advertising media as the commissioner in his discretion may determine.

(6) No show or exhibition and no show, exhibition and sale of any purebred cattle shall qualify for or be eligible to receive any part of the appropriation made in this section unless and until there is provided and made available from other sources an amount for premiums equal to or in excess of the respective appropriations made available by the provisions of this section for such show or exhibition or show, exhibition and sale, or unless there is provided and made available from some other source an amount for premiums equal to or in excess of the amount which the commissioner may allocate to or for such show or exhibition or show, exhibition and sale under the authority vested in him by this section.

The Committee on Education reported **HB 48, HB 322, HB 401, HB 398, HB 383,** and **HB 324,** with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 48: AN ACT relating to schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall install or permit to be installed, or maintain or permit to be maintained coin vending machines in any elementary or secondary school of the state, for dispensing candy or soft drinks; and no person shall sell or permit to be sold any such products in connection with such school cafeterias, canteens or on any such school premises.

Provided that nothing in this section shall be construed to prohibit the sale of such products at athletic games, fund raising and other activities attended by the public generally and taking place when such schools are not in session.

Section 2. Any person who violates any of the provisions of this Act shall be fined not less than twenty-five dollars nor more than one hundred dollars.

HB 322: AN ACT relating to Teachers' Retirement, amending 161.620, subsection (3) so as to increase the benefits provided therein.

PREAMBLE: The purpose of this Bill is to correct the faulty enacting clause of House Bill 319 passed at the 1954 Regular Session, and for no other purpose.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.620, Subsection (3) is hereby amended and enacted so as to read as follows:

(1) Effective July 1, 1954, and including living retired members and members who retire subsequently, no retirement allowance shall be less than eighteen dollars per service credit year, multiplied by the number of years of service credit, but by not more than thirty-five years. This minimum shall not exceed six hundred and thirty dollars. A member eligible for retirement having less than thirty-five years of service credit shall receive not less than his or her number of years multiplied by eighteen dollars, but in no case less than one hundred and twenty dollars. Any retirement allowance which has been or will be computed to be less than the applicable minimum herein provided shall be increased to said minimum.

HB 401: AN ACT relating to school districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 160.045 of the Kentucky Revised Statutes is amended to read as follows:

(1) If seventy-five per cent of either the registered voters or property owners in an area adjacent to either a county or independent

school district petition the respective school boards for a transfer of said property to the school board district other than that in which it is located or if either board initiates such action, the school boards may effect such transfer by agreement, duly spread upon the minutes of their respective boards.

(2) In the event that the boards fail to agree within ninety days from the filing of petitions for such a transfer, either board may petition the Superintendent of Public Instruction for approval or disapproval of the transfer of the property involved. In his consideration for giving approval or disapproval, he shall be governed by any policies and rules and regulations of the State Board of Education which may be affected by the transfer of the property and shall give due consideration to the following: the ratio of the wealth of the territory involved in its relation to the total wealth of the district from which the territory will be annexed; the effect of the proposed territorial loss or gain on the educational programs of the respective districts; extent of and effect on the physical plant, facilities and equipment available in each of the affected districts, the indebtedness and bonded or rental obligations of the respective districts; any contemplated indebtedness or obligation arising out of the proposed transfer; and such other factors as may have a bearing upon the determination of the desirability of the proposed annexation from the vantage point of all interested persons.

(3) In those instances where the requested transfer will result in a surplus of physical plant, facilities or equipment in the transferring school district, the Superintendent of Public Instruction shall determine an equitable plan for the transfer of any such surplus to the annexing district as his plan may determine will be needed. His plan shall be based on the fair value of such property on a replacement basis, taking into consideration its age and condition. In any considerations and sugestions which he may propose for the settlement of the differences between the boards of education, he shall be bound by any agreements outstanding between the boards of education of the school districts upon the effective date of this law.

(4) In the event the Superintendent of Public Instruction is unable to arrive at a satisfactory agreement with the two boards of education concerning the transfer of the involved property within one hundred twenty days from the time it is presented to him, either board may request that he bring the matter on for hearing before the State Board of Education at its next regularly scheduled meeting. In that event, he shall file with the State Board of Education all the facts which he has gathered, the recommendation he has made, and the basis for his recommendation, for their consideration.

(5) Within at least ten days before the holding of any hearing provided for in subsection two or subsection four of section 160.045 of the Kentucky Revised Statutes, the Superintendent of Public Instruction shall serve written notice thereof, by registered mail, on the respective boards fixing the time and place at which the hearing shall

be conducted. All hearings provided for herein shall be open to the public, and any interested person may appear and be heard in accordance with such rules and regulations as the State Board of Education may prescribe with reference thereto.

Section 2. Section 160.050 of the Kentucky Revised Statutes is hereby repealed.

Section 3. Section 160.060 of the Kentucky Revised Statutes is hereby repealed.

HB 398: AN ACT relating to the Council on Public Higher Education in Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 164.020 of the Kentucky Revised Statutes is amended to read as follows:

The Council on Public Higher Education in Kentucky shall:

(1) Coordinate the work and determine the curricular offerings of the state institutions of higher learning in Kentucky, on the basis of efficiency and economy.

(2) Determine the amount of entrance fees and the qualifications for admission to each and such institutions.

(3) Consider the budgetary requirements of each of such institutions and, on the basis of the needs of the various institutions as indicated by the individual budgets submitted, recommend to the Department of Finance a budget covering the needs of the institutions.

(4) Require such reports from the executive officers of each of such institutions as it deems necessary for the effectual performance of its duties.

(5) Publish at least biennially a report of the educational and financial affairs of such institutions.

(6) Elect a secretary on the recommendation of the chairman. The Council shall elect such staff as may be necessary, limited to available appropriations, on recommendation of the chairman. The staff shall be employees of the Council; shall be responsible to the chairman as representative of the Council; and their salaries shall be determined in the same manner as other state employees.

Section 164.040 of the Kentucky Revised Statutes is hereby repealed.

HB 383: AN ACT relating to sick leave for teachers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.155 of the Kentucky Revised Statutes is amended to read as follows:

(1) For purposes of this section "teacher" shall mean any person for whom certification is required as a condition of employment in the common schools of the state.

(2) Each district board of education shall allow each teacher in its common school system not less than ten days sick leave during each school year, without a deduction of salary, provided he presents a personal affidavit or physician's statement saying he was ill on the days or days absent.

(3) Sick leave shall be accumulated on the basis on one (1) day for each month taught except that two (2) days shall be allowed for the first month during which the teacher is employed.

(4) Any days of sick leave not taken during any school year shall accumulate and may be used in any subsequent year or years, except that no teacher may accumulate more than twenty days sick leave unless additional sick leave days are authorized by the district board of education. Any district board of education may allow teachers in its common school system sick leave in excess of the number of days prescribed in this section.

HB 324: AN ACT relating to education

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 157.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is hereby established the public school foundation program fund consisting of appropriations for distribution to districts in accordance with the provisions of KRS 157.310 to 157.440.

(2) The resources of the public school foundation program fund shall be paid into the State Treasury, and shall be drawn out or appropriated only in aid of public schools as provided by statute.

Section 2. Section 157.350 of the Kentucky Revised Statutes is amended to read as follows:

Each district which meets the following requirements shall be eligible to share in the distribution of funds from the public school foundation program fund:

(1) Employs and compensates all teachers for not less than nine scholastic months provided, that the State Board of Education, upon recommendation of the Superintendent of Public Instruction, shall prescribe procedures whereby this requirement may be reduced during any year for any district which employs teachers for less than nine scholastic months, in which case the eligibility of a district for participation in the public school foundation program fund shall be in proportion to the length of time teachers actually are employed;

(2) Operates all schools for a term of at least nine scholastic months, provided, however, that if the school term is less than nine months for any reason approved by the State Board of Education on

the recommendation of the Superintendent of Public Instruction the eligibility of a district for participation in the public school foundation program fund shall be in proportion to the length of term the schools actually operate;

(3) Compensates all teachers on the basis of a single salary schedule and in conformity with the provisions of this Act;

(4) Makes the required local tax effort except as otherwise provided by subsection (3) of KRS 157.400;

(5) Includes no nonresident pupils in its average daily attendance, except by written agreement with the district of the pupils' legal residence.

Section 3. Section 157.380, subsection (2) of the Kentucky Revised Statutes is amended to read as follows:

(2) In determining the required local tax effort for districts which participate in the public school foundation program fund, including the capital outlay allotment, the Superintendent of Public Instruction shall divide the aggregate assessed value of all property in the Commonwealth subject to taxation for school purposes by one hundred and multiply the quotient thereof by one dollar and ten cents. The product thereby obtained shall be multiplied by each district's percentage of the total equalized value of all property in the Commonwealth subject to taxation for school purposes. In determining the required local tax effort for districts which do not participate in the capital outlay allotment of the public school foundation program fund, the multiplier shall be one dollar.

Section 4. Section 157.390, subsection (1), of the Kentucky Revised Statutes is amended to read as follows:

(1) The Superintendent of Public Instruction, under regulations of the State Board of Education, shall classify teachers in rank as follows:

RANK I. Those holding regular certificates and who have a master's degree and who have earned twenty-four semester hours of approved graduate work after the master's degree has been granted;

RANK II. Those holding regular certificates and who have a master's degree or its equivalent;

RANK III. Those holding regular certificates and who have an approved four-year college degree or the equivalent;

RANK IV. Those holding regular certificates and who have ninety-six to one hundred and twenty-eight semester hours of approved college training or the equivalent;

RANK V. Those holding regular certificates and who have sixty-four to ninety-five semester hours of approved college training or the equivalent; provided, however, that persons holding emergency certificates shall not be classified higher than this rank;

RANK VI. Those holding certificates and who have thirty-two to sixty-three semester hours of approved college training or the equivalent;

RANK VII. Those holding certificates and who have fewer than thirty-two semester hours of approved college training or the equivalent.

In determining ranks, the Superintendent of Public Instruction, under regulations of the State Board of Education, shall classify teachers who hold certificates as of July 1, in the respective ranks according to approved college semester hours of credit. The Superintendent of Public Instruction, in defining preparation for certain types of vocational teachers as equivalent to college training, shall give consideration to apprenticeship training and industrial experience.

Section 5. Section 157.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) The amount of money distributable to each district from the public school foundation program fund shall be determined by subtracting the required local tax effort and any portion of federal funds required to be included, as set forth in subsection (4) of KRS 157.380, from the total foundation program allotment for the district as determined in KRS 157.390.

(2) If it shall be determined in KRS 157.400 subsection (1) that the amount of money distributable to a district from the public school foundation program fund is less than $80 per pupil in average daily attendance or the per capita apportionment for the district in 1955-56 then the apportionment to that district shall be increased to $80 per pupil in average daily attendance or to the per capita apportionment for the district in 1955-56, whichever is greater; provided, however, if a district fails to provide the total potential classroom units under KRS 157.360 subsections (2), (6), (7) and (8) and at least as many classroom units under KRS 157.360 subsections (4) and (5) as were provided in 1955-56, any increase in the apportionment called for in this subsection shall be reduced to the extent that the district fails to provide the classroom units.

(3) If a district fails for any reason to make the required local tax effort, as provided in KRS 157.380, the amount of the apportionment of the public school foundation program fund to be paid to such district under subsections (1) and (2) of this section shall be reduced by the percentage of loss from the required local tax effort.

(4) So much of the public school foundation program fund which would not be distributed under subsection (1), (2) and (3) of this section, due to the failure of one or more participating districts to meet the full requirements, shall be held in the account for distribution the

following year among districts which meet the requirements for participation.

Section 6. Section 157.420 of the Kentucky Revised Statutes is amended to read as follows:

Public school foundation program funds made available to the credit of each district during any year, together with the funds required from local tax effort, shall be received, held and expended by the district board, subject to the provisions of law and regulations of the State Board of Education. The following restrictions shall govern the expenditure of funds from the public school foundation program fund:

(1) The teachers' salaries allotment for each district from the public school foundation program fund and from local sources shall be used only for teachers holding properly authorized certificates. The average salary paid any rank of teachers shall be at least equivalent to the public school foundation program fund allotment for that rank as established in subsection (2) of KRS 157.390, and no teacher shall be paid less than ninety-percent of the public school foundation program fund allotment for that rank.

(2) The capital outlay allotment for each district from the public school foundation program fund and from local sources shall be kept in a separate fund and may be used by the district only for capital outlay projects approved by the Superintendent of Public Instruction in accordance with requirements of law, and based on a survey made in accordance with rules and regulations prescribed by the State Board of Education. These funds shall be used for the following purposes:

(a) For direct payment of construction costs;

(b) For debt service on bonds issued subsequent to July 1, 1954;

(c) For payment on lease-rental agreements under which the board eventually will acquire ownership of a school plant;

(d) For debt service on bonds issued prior to July 1, 1954, if it has been determined by the survey that this district has met all of its major capital outlay needs;

(e) For the retirement of any deficit in existence on June 30, 1955 if such deficit resulted from an emergency declared by the State Board of Education under KRS 160.550;

(f) As a reserve fund for the above named purposes, to be carried forward in ensuing budgets, if not needed for the current year; provided, however, if any district has a special levy for capital outlay or debt service that is equal to the capital outlay allotment or a proportionate fraction thereof, and spends the proceeds of that levy for the above named purposes, the Superintendent of Public Instruction, under regulations of the State Board of Education, may authorize the district to use all or a proportionate fraction of its capital outlay allotment for current expenses.

Section 7. Section 157.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) If, when the apportionments are being determined under the provisions of KRS 157.310 to 157.440, funds appropriated by the General Assembly to the public school foundation program fund plus the funds required from local tax effort are insuffícent to provide the amount of money required under subsection (1) of KRS 157.400, the Superintendent of Public Instruction shall make a percentage reduction in the amount included for the foundation program in each district to the extent necessary to reduce the cost of the foundation program to funds available, provided that no district shall receive less than the amount that it received in its per capita apportionment in 1955-56, provided further that it meets the requirements set forth in KRS 157.350 and subsections (2) and (3) of KRS 157.400. The revenue available after the provisions of KRS 157.400 subsection (1) have been met shall be apportioned to meet, in so far as possible, the provisions of KRS 157.400 subsection (2).

Section 8. Sections 157.340 of the Kentucky Revised Statutes and subsections (4) and (5) of Section 157.370 of the Kentucky Revised Statutes and subsections (2) and (3) of Section 157.430 of the Kentucky Revised Statutes are hereby repealed.

Committee on Judiciary reported **SB 15, HB 295, HB 184, HB 355,** and **HB 318** with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 15: AN ACT relating to grounds for divorce.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 403.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) A divorce may be granted to either party for the following causes:

(a) Such impotency or malformation as prevent sexual intercourse; or

(b) Living apart without any cohabitation for five consecutive years next before application.

(2) A divorce may be granted to the party not in fault for the following causes:

(a) Abandonment for one year;

(b) Living in adultery;

(c) Condemnation for felony in or out of this state;

(d) Concealment from the other party of any loathsome disease existing at the time of marriage, or contracting such a disease afterward;

(e) Force, duress or fraud in obtaining the marriage; or

(f) United with any religious society whose creed and rules require a renunciation of the marriage covenant, or forbid husband and wife from cohabiting.

(3) A divorce may be granted to the wife for the following causes:

(a) When not in like fault, habitual drunkenness on the part of the husband of not less than one year's duration, accompanied by a wasting of the husband's estate and without any suitable provision for the maintenance of the wife or children;

(b) Habitually behaving toward her, for not less than six months in such cruel and inhuman manner as to indicate a settled aversion to her or to destroy permanently her peace or happiness; or

(c) Such cruel beating or injury, or attempt at injury, of the wife as indicates an outrageous temper in the husband, or probable danger to her life, or of great bodily injury, from her remaining with him.

(4) A divorce may be granted to the husband for the following causes:

(a) Where the wife is pregnant by another man without the husband's knowledge at the time of marriage;

(b) When not in like fault, habitual drunkenness on the part of the wife of not less than one year's duration;

(c) Adultery by the wife, or such lewd, lascivious behavior on her part as proves her to be unchaste, without actual proof of an act of adultery;

(d) Habitually behaving toward him, for not less than six months in such cruel and inhuman manner as to indicate a settled aversion to him or to destroy permanently his peace or happiness; or

(e) Such cruel beating or injury, or attempt at injury of the husband as indicates an outrageous temper in the wife, or probable danger to his life, or great bodily injury, from his remaining with her.

(5) (a) A divorce may be granted to the sane spouse when either the husband or wife has become permanently and incurably insane; provided, that no divorce shall be granted under this subsection unless such permanently incurably insane person shall have been confined in an insane asylum, hospital or other similar institution for a period of not less than five successive years prior to the filing of the petition for divorce, whether such period of time shall have been prior to or subsequent to June 19, 1946, or partly both, nor unless the court shall find from the testimony of two or more physicians competent in psychiatry that such insanity, in their opinion, is permanently

incurable. Except that when the insane spouse has been committed upon the testimony of two doctors to an insane asylum, hospital or other similar institution operated within this state by the Veterans Administration, Public Health Service or other Federal agency and has been by said agency transferred to its asylum, hospital or other facility in another state and has been kept at said place or places of transfer for more than five years and not restored to competency, said facts shall constitute sufficient proof of permanent insanity to authorize the granting of a divorce to the sane spouse.

(b) The petition shall be filed under oath, in the court having jurisdiction over divorce matters in either the county where the plaintiff resides or in the county where the institution is located in which the insane person is confined.

(c) Service of process under this subsection shall be made as provided in Section 53, Kentucky Civil Code of Practice, relating to service of process upon persons of unsound mind.

(d) In cases arising under this subsection the court shall possess all powers which courts of equity now have, or which may hereafter be conferred upon them, relative to alimony, and custody and control and support of infant children of the parties. Where the plaintiff is the husband the court may, when necessary and circumstances warrant, require the plaintiff to pay alimony, support or maintenance for the benefit of said defendant and make provisions for the reasonable expense for the burial of said defendant, or it may require the plaintiff to give bond to the state of Kentucky, conditioned upon the payment by the plaintiff for the care and maintenance of said defendant during the remainder of her life and necessary funeral expenses. The court may, upon notice, modify or revoke any orders or decrees relating to the custody of infant children and their support and the support and maintenance of the defendant.

HB 295: AN ACT relating to Limitation of Actions and amending Section 413.140 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 413.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following actions shall be commenced within two years after the cause of action has accrued:

(a) An action for an injury to the person of the plaintiff, his or her spouse or of his or her child or ward.

(b) An action for injuries to persons, cattle or other livestock by railroads or other corporations.

(c) An action against a physician, surgeon or dentist for negligence or malpractice.

(2) The following actions shall be commenced within one year after the cause of action accrued:

(a) An action for malicious prosecution, conspiracy, arrest, seduction, criminal conversation or breach of promise of marriage.

(b) An action for libel or slander.

(c) An action for the escape of a prisoner, arrested or imprisoned on civil process.

(d) An action for the recovery of usury paid for the loan or forbearance of money or other thing, against the loaner or forbearer or asssignee of either.

(e) An action for the recovery of stolen property, by the owner thereof against any person having the same in his possession.

(f) An action for the recovery of damages or the value of stolen property, against the thief or any accessory.

(3) In respect to the action referred to in paragraph (g) of subsection (1) of this section, the cause of action shall be deemed to accrue at the time of payment. This limitation shall apply to all payments made on all demands, whether evidenced by writing or existing only in parol.

(4) In respect to the action referred to in paragraph (h) of subsection (1) of this section, the cause of action shall be deemed to accrue at the time the property is found by its owner.

(5) In respect to the action referred to in paragraph (i) of subsection (1) of this section, the cause of action shall be deemed to accrue at the time of discovery of the liability.

HB 184: AN ACT relating to conveyances and encumbrances.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 382.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) All deeds, mortgages and other instruments required by law to be recorded to be effectual against purchasers without notice, or creditors, shall be recorded in the county clerk's office of the county in which the property conveyed, or the greater part thereof, is located.

(2) No county clerk or deputy county clerk shall admit to record any deed of conveyance of any interest in real property equal to or greater than a life estate, unless the deed plainly specifies and refers to the next immediate source from which the grantor derived title to the property conveyed therein, and shall also indicate the geographical location of the real estate by reference to the Section, Township and Range in those areas of Kentucky that have been officially sectionalized, and in all other areas of Kentucky the geographical location shall be indicated by reference to the Carter Coordinate System of Section numbers.

(3) If the source of title is a deed or other recorded writing, the

deed offered for record shall refer to the former deed or writing, and give the office, book and page where recorded, and the date thereof. If the property or interest therein is obtained by inheritance or in any other way than by recorded instrument of writing, the deed offered for record shall state clearly and accurately how and from whom the title thereto was obtained by the grantor.

(4) If the title to the property or interest conveyed is obtained from two or more sources, the deed offered for record shall plainly specify and refer to each of the sources in the manner provided in subsections (2) and (3), and shall show which part of the property, or interest therein, was obtained from each of the sources.

(5) No grantor shall lodge for record, and no county clerk or deputy shall receive and permit to be lodged for record, any deed that does not comply with the provisions of this section.

(6) No clerk or deputy clerk shall be liable to the fine imposed by subsection (1) of KRS 382.990 because of any erroneous or false references in any such deed, nor because of the omission of a reference required by law where it does not appear on the face of such deed that the title to the property or interest conveyed was obtained from more than one source.

(7) This section does not apply to deeds made by any court commissioner, sheriff or by any officer of court in pursuance of his duty as such officer, nor to any deed or instrument made and acknowledged before March 20, 1928. No deed shall be invalid because it is lodged contrary to the provisions of this section.

HB 355: AN ACT to amend the Constitution of the Commonwealth of Kentucky relating to compensation of prosecuting attorneys, amending Section 98 thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Constitution of the Commonwealth of Kentucky be amended relating to compensation of prosecuting attorneys, so that Section 98 thereof shall read as follows:

All prosecuting attorneys, Commonwealth, County or City, shall be compensated for their services in criminal proceedings by adequate salary fixed by law. The salary fixed may vary if based upon a reasonable classification. All fines and forfeitures assessed and collected in the courts of the State shall be paid into the State Treasury or to the Treasurers of such districts and of such municipalities as may be provided by law.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution, and under KRS 118.170 and 118.430.

HB 318: AN ACT relating to offenses against the state and public justice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 432.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) A court shall not impose a fine of more than thirty dollars or imprison for more than thirty hours for contempt without the intervention of a jury.

(2) A justice's, county, quarterly, police or inquiring court shall not impose a fine of more than thirty dollars or imprison for more than thirty hours for contempt.

(3) Any officer who violates subsection (1) of subsection (2) of this section shall be removed from office.

The Committee on Ways and Means reported **HB 404** with expression of opinion that same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 404: AN ACT relating to license fee revenue for certain boards of education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any board of education in a county containing a city of the first class, in addition to ad valorem taxes, may by resolution impose license fees on any business, trade, occupation or profession for revenue purposes at a rate not to exceed one-half (½) of one per cent (1%) of (a) salaries, wages, commissions and other compensations earned by every person within the school district of the board of education imposing the license fee, for work done, and services performed or rendered in said school district (all of such being hereinafter collectively referred to as "wages"), and (b) the net profits of all businesses, professions or occupations from activities conducted in said school district (hereinafter collectively referred to as "net profits"); provided however, that no such license fees may be imposed by any board unless a majority of those voting in such school district at an election called by said board approve of the authority of said board to levy license fees as above set out.

Section 2. The election in any school district shall be held not less than 15 nor more than 60 days from the time a resolution calling the election is adopted by such board of education. The election may be held at the same time as the regular election in November or on any Saturday at any other time in the year except on the date of the Primary Election in August. The election shall be conducted and carried out in the school district in all respects as required by the general election laws and shall be held by the same officers as required by the general election laws. The expense of the election if held on the regular election day in November shall be borne by the fiscal court except where the election is held in a school district of a city, in which case the cost of the election shall be borne by the city. If the election is held at any time other than the regular election in November the cost of such election shall be borne by the board of education which calls such election.

Section 3. No company which pays an ad valorem tax and a franchise tax shall be required to pay a license fee and no license fee shall be imposed upon or collected from any bank, trust company, combined bank and trust company, or combined trust, banking and title business in this state, or in any other case where said board of education is now prohibited by statute from imposing such a license fee.

Section 4. The license fee imposed by any board of education may be collected by said board of education or under contract by the commissioners of the sinking fund of the city of the first class, the county sheriff of the county in which the school districts lie, or any other appropriate governmental collecting agency or officer, pursuant to such rules and regulations as said board of education may from time to time adopt. Under such rules and regulations such board of education shall have the right to require employers to withhold license fees at the source of the wages, to set license fee due dates, to provide for interest and penalties on overdue license fees, and to adopt all other provisions which will insure an efficient administration of the imposition and collection of the said license fees. Proceeds from said license fees shall not become a part of the funds belonging to such collecting agency or officer but shall be paid at the end of each month to the treasurer of the respective boards of education imposing the license fee. The board of education shall pay to the said collecting agency or officer for collecting said license fees an amount equal to that portion of the cost of collecting all the revenue which is collected by the said collecting agency or officer as the amount of revenue collected for said board of education bears to the total amount of all revenue collected by the said collecting agency or officer.

Section 5. The provisions of KRS 160.460, 160.500 and 160.510 shall not apply to the license fees hereunder or any other provision of this Act.

Section 6. Whereas lack of sufficient revenue is endangering the proper operation of an efficient system of schools in the school districts referred to hereinbefore, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

Calendar

HB 28, HB 27, HB 267, HB 268, HB 193, HB 131, HB 239, HB 100, HB 146, HB 81, HB 269, HB 194, HB 329, HB 262, HB 98,

HB 332, HB 336, HB 67, HB 331, HB 333, HB 334, HB 343, HB 65, HB 311, HB 330, HB 307, HB 290, HB 338, HB 213, HB 308, HB 381, HR 18, HR 25, HR 31, HR 33, SB 16, SB 30, SB 35, SB 62, SR 16, SR 24, SR 40 were taken from the Calendar and ordered read at length for the second time. Ordered placed in Orders of the Day.

Orders of the Day

HB 218 was taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed.

Representative Morgan moved that **HB 218** be amended as follows: "Amend printed copy of House Bill No. 218 on page 2, section 1, line 18 by deleting on line 18 '$515.34' and inserting in lieu thereof '6. National Can Corporation, Chicago, Illinois ______235.04

\$750.38' "

Adopted.

HB 218 read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 63—Barnum, Baumgardner, Blankenship, Blue, Breathitt, Burnley, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Farmer, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Kubale, Mackey, McCallum, McFadden, Melton, Miller, Moore, Morgan, Mullins, Murphy, Nunn, Ockerman, Parrish, Pollitte, Ray, J. B. Reed, Reynolds, Saylor, Searcy, Sloan, Tanner, Thompson, Tinsley, Wathen, A. W. Wells, Williamson, Young. Nays 0. **HB 218** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and that the motion be laid on the table. Agreed.

HB 4 taken from the Clerk. Representative Morgan moved that the House concur in the Senate amendment:

Amend H.B. 4 on pages 2 and 3, section 1 (4), lines 38 through 42 to read as follows: "This class, no job of pressing work shall be counted less than one thousand impressions." Adopted.

On roll call, the vote was: Yeas 66—Barnum, Baumgardner, Blankenship, Blue, Bridgers, Burnley, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Hawkins, Heskam, Heyburn, Highland, Hill, Hilton, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Kubale, Lambert, Lowman, Mackey, McFadden, Miller, Moore, Morgan, Mullins, Murphy, Nunn, Ockerman, Parrish, Pollitte, Ray, J. B. Reed, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Thompson, Tinsley, Wathen,

A. W. Wells, Williamson, Wilson, Young. Nays 0. **HB 4** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 283 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 72—Anderson, Barnum, Baumgardner, Blankenship, Blue, Burnley, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Mackey, McCallum, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ray, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Stith, Tanner, Thomas, Thompson, Tinsley, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 283** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 216 taken from Orders of the Day. Representative Morgan moved it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 77—Anderson, Barnum, Baumgardner, Blankenship, Blue, Bridgers, Burnley, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, McCallum, McFadden, McKinney, Melton, Miller, Moore, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ray, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Sloan, Stith, Tanner, Thomas, Thompson, Wathen, A. W. Wells, Williamson, Wirsch, Young. Nays 0. **HB 216** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

Senate Message

Senate message announcing passage of **HB 53, HB 71, HB 119, HB 126, HB 11, SR 17, SR 18, SR 19, SR 35, SB 53, SB 79** read by the Clerk.

Orders of the Day

HB 208 taken from Orders of the Day. Representative Morgan moved to place on passage. Agreed.

Representative D. W. Howard moved to lay **HB 208** on Clerk's desk until amendments can be prepared. Agreed.

HB 135 taken from Orders of the Day. Representative Burnley moved to place on passage. Agreed. Read at length the third time. Representative Burnley moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 75—Anderson, Barnum, Bates, Baumgardner, Blankenship, Blue, Breathitt, Bridgers, Burnley, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Jennings, Kubale, Lambert, Lowman, Mackey, McFadden, McKinney, Melton, Moore, Mullins, Murphy, Ockerman, Parrish, Peace, Pollitte, Qualls, Ray, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, Williamson, Wilson, Wirsch. Nays 0. **HB 135** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 252 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Breathitt moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 70—Anderson, Barnum, Baumgardner, Blankenship, Breathitt, Bridgers, Burnley, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Embry, Everett, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Hahn, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Lambert, Mackey, McCallum, McKinney, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Qualls, Ray, J. B. Reed, R. Reid, Sr., Reynolds, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Wathen, A. W. Wells, Williamson, Wilson, Wirsch. Nays 0. **HB 252** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion laid on the table. Agreed.

HB 59 taken from Clerk's desk and placed on passage, on motion of Representative Morgan.

Representative Holsclaw moved that vote by which Amendment No. 1 was adopted be reconsidered. Agreed.

Representative Holsclaw moved to amend **HB 59** as follows: "Amend printed copy of **HB 59**, page 1, section 1, line 1, by inserting after the word 'fiscal court' the following: 'of any such county containing a city of the first class'." Adopted.

Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 68—Anderson, Barnum, Baumgardner, Blankenship, Breathitt, Bridgers, Burnley, Bush, Carter, Casey, Conrad, Cornett, Davidson, Davis, Day, Embry, Everett, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Hahn, Hawkins, Heskamp, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw D. W. Howard, Isler, Jennings, Johnson, Lowman, Mackey, McCallum, Melton, Miller, Moore, Morgan, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ray, Rayburn, J. B. Reed, V. Reed, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Wathen, A. W. Wells, Wirsch, Young. Nays 0. **HB 59** was passed and the title agreed to.

The bill was passed and title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 294 was taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 71—Anderson, Barnum, Bates, Baumgardner, Blankenship, Breathitt, Bridgers, Burnley, Bush, Carter, Casey, Cornett, Cottengim, Day, Embry, Everett, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hahn, Hawkins, Heskamp, Heyburn, Highland, Hill, Hinkle, Hislope, Holsclaw, D. W. Howard Isler, Jennings, Kubale, Lambert, Lowman, Mackey, McCallum, McFadden, Melton, Miller, Moore, Mullins, Murphy, Nunn, Parrish, Peace, Pollitte, Qualls, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Wathen, A. W. Wells, Williamson, Wirsch, Young. Nays 0. **HB 294** was passed and the title agreed to.

Enrollment Committee Report

Committee on Enrollment reported that **HB 45, HB 60, HR 16, HB 44** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the Speaker.

HB 45, HB 60, HR 16, HB 44 delivered, signed by President of the Senate. Ordered delivered to the Governor.

Introduction of Bills and Resolutions

HB 429, by Representatives Flanery, Reynolds, Buchanan, Qualls, Greene, Harris, and Moore: AN ACT repealing Section 138.020 to 138.080, both inclusive, of the Kentucky Revised Statutes, relating to amusement taxes.

HB 430, by Representatives Melton and Blue: AN ACT relating to the drilling of oil and gas wells and amending Section 353.040 of the Kentucky Revised Statutes.

HB 431, by Representatives Melton and Blue: AN ACT relating to the posting of a bond as a condition to the drilling of any oil or gas well and creating a new section of the Kentucky Revised Statutes to be known as Section 353.045.

HB 432, by Representatives Melton and Blue: AN ACT relating to condemnation for oil or gas pipeline storage facilities and other facilities used in connection therewith.

HB 433, by Representative Hahn: AN ACT relating to measurement of oil and gas, and providing penalties.

HB 434, by Representatives C. S. Howard, Sloan, Stith, Day, Nunn Grigsby, A. W. Wells, Flannery, Miller and Farmer: AN ACT relating to emergency vehicles.

HB 435, by Representative Gay: AN ACT relating to compulsory school attendance.

HB 436, by Representative Hilton: AN ACT relating to petit larceny.

HB 437, by Representative Freeman: AN ACT providing special license plate for vehicles owned by members of the National Guard.

HB 438, by Representative Bridgers: AN ACT relating to advertising by ophthalmic dispensers.

HB 439, by Representative Caudill: AN ACT relating to the awarding of damages in actions accruing for negligence.

HB 440, by Representative Thomas: AN ACT relating to public education.

HB 441, by Representative Morgan: AN ACT relating to Social Security for public employes, amending Section 61.430 of the Kentucky Revised Statutes, and declaring an emergency to exist.

HB 442, by Representative Lambert: AN ACT to provide for appropriations to the Departments and Agencies of the Commonwealth of Kentucky.

HB 443, by Representative Mackey: AN ACT relating to employes of the Commonwealth of Kentucky.

HB 444, by Representative Peace: AN ACT relating to public utilities.

HB 445, by Representative Newsom: AN ACT relating to uniform boat regulations.

HR 41, by Representative Day: A JOINT RESOLUTION urging the Hon. A. B. Chandler, Governor of the Commonwealth of Kentucky to restrict his appointments of Colonels on his Staff to those persons who have rendered outstanding service to the Commonwealth.

HR 42, by Representative Kubale: A JOINT RESOLUTION authorizing Margaret M. Hoppe and Carl Hoppe, Jr., to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky or either of them.

HR 43, by Representative Lambert: A HOUSE RESOLUTION to provide for the House of Representatives to sit as a Committee of the whole.

HR 44, by Representative Mackey: A JOIN TRESOLUTION urging the General Assembly of the Commonwealth of Kentucky to adopt the tulip popular tree as the official tree of the Commonwealth.

HB 463, by Representative Morgan: AN ACT creating a retirement system for state employees, other than teachers and those otherwise specifically excluded.

HB 464, by Representative Breckinridge: AN ACT relating to preschool child care centers.

Representative Morgan moved to adjourn until 10 A. M., February 3. Agreed.

FRIDAY, FEBRUARY 3

TWENTY-SIXTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Msgr. Joseph A. O'Dwyer, Church of the Good Shepherd, Frankfort.

The Roll call showed all present except Beshear, Breathitt, Buchanan, Caudill, Hawkins, Hilton, Kubale, Lambert, Miller, Nunnelley, V. Reed, Sloan, Weintraub, Young, who were granted leave of absence on motion of Representative Morgan.

Representative Isler moved that reading of February 2 Journal be dispensed with and that same be approved. Agreed.

Report of Committees

The Judiciary Committee reported **HB 83** with expression of opinion that the same should pass by way of committee substitute. Read at length for the first time and ordered placed in the Calendar.

HB 83: AN ACT relating to the return to this state of fugitives from justice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 440.090 of the Kentucky Revised Statutes is amended to read as follows:

When the Governor of this state makes requisition upon the Governor of another state for a fugitive from justice, the person named in the requisition as the agent of this state shall, unless a different condition is contained in his commission, be allowed as compensation from the State Treasury for his services ten cents per mile for the distance he travels to and from the jail of the county designated in the proclamation to the place where the fugitive is arrested, and any other necessary expenses he pays in reclaiming and returning the fugitive. The court having jurisdiction over the fugitive may by order duly entered authorize a guard to accompany the agent upon a showing that it is reasonably necessary in order to safely return said fugitive and said guard shall receive the same compensation for his travel and expenses as does the agent. Upon the return of the fugitive to the county in which the jail named in the proclamation is located, the person having him in charge shall go before a magistrate, who shall issue a mittimus to the jailer to receive the prisoner and keep him until he is discharged.

The Committee on Health and Welfare reported **HB 254, HB 217,** and **HB 289** with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 254: AN ACT relating to registration and licensing of the termite and pest control industry and amending sections 249.300, 249.320, 249.330 and 249.990 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 249.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) A license may be revoked for just causes as hereinafter provided at any time after a hearing before the commissioner upon written complaint made by any person, firm, or corporation for whom work has been performed. The owner of such license shall be given notice in writing not less than fifteen days prior to the date of such hearing, sent by registered mail to the owner to the address shown by the records of the department.

(2) The grounds for the revocation of a license shall be as follows:

(a) If the owner or any regular employe, solicitor, agent, or representative of the owner shall make any material misrepresentations for the purpose of defrauding any member of the public or shall use any methods or materials which are not reasonably suitable for the purposes for which they are employed or provided;

(b) If the owner shall fail to pay any final judgment rendered against any owner or any regular employe, solicitor, agent, or representative of said owner by reason of liabilities resulting from activities under KRS 249.250 to 249.340;

(c) If the department against whom complaint is registered shall refuse to provide the department with reasonably complete and accurate information regarding methods or materials used or work performed as requested.

(d) If the owner violates any lawful order, rule or regulation of the department.

Section 2. Section 249.320 of the Kentucky Revised Statutes is amended to read as follows:

The commissioner shall notify any applicant or owner by registered mail of any decision of the board to refuse to grant a license after a hearing before the board, or to revoke the license under the provisions of KRS 249.300, within ten days after such decision and the applicant or owner shall have thirty days after notification within which to petition the commissioner for a rehearing. The commissioner shall within ten days after the said rehearing notify the applicant or owner of its decision, and if the decision be unfavorable, said applicant or owner shall have thirty days within which to appeal such decision to the circuit court of the county in which he resides or maintains his principal place of business. If an owner takes such appeal within the time herein provided, the revocation by the board shall not become

final until finally adjudicated, however, the board may require the posting of a reasonable and appropriate bond pending final adjudication.

Section 3. Section 249.340 of the Kentucky Revised Statutes is amended to read as follows:

The monies received from the license fees collected by the department shall be deposited in the State Treasury to the credit of a revolving fund for the use of the department in enforcing the provisions of this chapter.

Section 4. Section 249.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 249.020 to 249.100 or hinders the carrying out of any of the provisions of those sections shall be fined not less than twenty-five dollars nor more than five hundred dollars.

(2) Any fine imposed for a violation of subsection (3) of KRS 249.070 may be recovered in the county in which the nursery is situated or the county to which the nursery stock is shipped.

(3) Any person in charge of trees who fails to remove and destroy trees or parts of trees when required to do so under KRS 24.160 shall be fined not more than twenty-five dollars, or confined in the county jail for not more than ten days, or both. Fines collected under this subsection shall be paid into the county treasury.

(4) Any person who knowingly neglects or refuses to comply with the provisions of KRS 249.180 or 249.190 shall be fined five dollars.

(5) Any person who violates any provision of a quarantine under KRS 249.210 or 249.220 or any regulations issued supplemental to such a quarantine shall be fined not less than twenty-five dollars nor more than one hundred dollars.

(6) Any person violating any of the provisions of KRS 249.250 to 249.340 or any lawful order, rule or regulation of the department made under the provisions of this chapter shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned not less than thirty days nor more than one year in jail, or both.

HB 217: AN ACT relating to milk and cream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act unless the context requires otherwise:

(1) "Buyer" shall include any person, partnership, corporation, association, organization or concern who receives milk or cream from producers and pays for it on basis of amount, weight, or test, except that it does not include persons who buy milk or cream for their own consumption;

(2) "Buy", "Buying" or "Bought" shall mean the purchase of non-packaged milk or cream from producers or their agents on basis of amount, weight or test;

(3) "Milk Tester" shall include any person who tests milk or cream, bought by buyers from producers, to determine the constituents or quality of such milk or cream and uses, or submits for use, these tests in determining the price paid for it;

(4) "Sampler and Weigher" shall include any person who samples, weighs, or measures milk or cream purchased by buyers from producers;

(5) "License to Buy" means the license issued to buyers of milk or cream purchased from producers or their agents on basis of its volume, weight or test;

(6) "License to Test" means the license issued to milk and cream testers;

(7) "License to Sample and Weigh" means the license issued to samplers and weighers;

(8) "Board" means the Examining Board;

(9) "Director" means the Director of the Agricultural Experiment Station, College of Agriculture and Home Economics, University of Kentucky;

(10) "Producer" means any person, partnership, corporation, association, organization, or concern keeping milk cows for production of milk for sale or separation for the sale of cream;

(11) "Buying Location" means each separate business place where non-packaged milk or cream is purchased, such as cream buying station, milk receiving station, milk plant, creamery, cheese factory, condensery or ice cream factory;

(12) "Non-packaged Milk or Cream" means milk or cream as it is usually received from the farm before it is processed and put in bottles, cartons or other containers for consumer use;

(13) "Stamped Testware" means test bottles, test weights, and other test equipment inspected and stamped with an indelible and distinguishing mark by the Experiment Station;

(14) "Standard Testware" means test bottles, test weights, pipettes and other measuring or calibrating devices approved by the Director for use in Kentucky;

(15) "Cream Station" means a place where cream is received, weighed, sampled, consolidated and shipped to a creamery or factory;

(16) "Milk Equivalent" means the amount of whole milk required to make other dairy products; thus, to convert butterfats to milk equivalent, multiply the pounds of butterfat by 25, for 4% milk.

Section 2. It shall be unlawful for any buyer of milk or cream in this state to:

(1) Buy milk or cream from producers without obtaining a license for each buying location where such milk or cream is received;

(2) To receive and pay for milk or cream on basis of weights or tests without having it sampled and weighed or measured by a licensed weigher and sampler or tested by a licensed tester;

(3) To receive milk or cream purchased from producers by a cream station operator or milk receiving station who does not have a license to buy;

(4) Use weighing, mixing, sampling, or testing equipment which is inaccurate or non-standard;

(5) Fail to comply with such regulations for weighing, measuring, sampling and testing milk or cream as may be issued by the Director.

Section 3. Except as provided in subsection (4) of this section, it shall be unlawful for any milk sampler or weigher in this state to:

(1) Sample, weigh, or measure milk or cream without obtaining a license to sample and weigh;

(2) Inaccurately sample, weigh, or measure milk or cream;

(3) Fail to comply with such regulations for the sampling, weighing or measuring of milk or cream as may be issued by the Director;

(4) Provided, however, that any milk tester who holds a license to test or temporary permit to test may sample, weigh and measure milk or cream according to the provisions of this Act without obtaining a license to sample and weigh.

Section 4. It shall be unlawful for any milk tester in this state to:

(1) Weigh, measure, sample or test milk or cream bought from producers on basis of such measures, weights or tests without obtaining a license or permit to test;

(2) To inaccurately weigh, measure, sample, or test milk or cream;

(3) Use inaccurate unstamped or non-standard equipment in weighing, measuring, sampling or testing, of milk or cream.

Section 5. Each person, partnership, corporation, association, organization or concern buying non-packaged milk or cream from producers or their agents shall secure and hold a license to buy for each buying location where such milk and cream is received and combined so that individual lots lose their identity. Application for such license shall be made to the Director on a form prescribed by the Director, said application to be accompanied by the license fee provided for in Section 9 of this Act. Upon receipt of such application and fee, the Director shall issue to the buyer a license to buy milk or cream provided the buyer is in compliance with the provisions of this Act and such regulations relating to the sampling, weighing, testing or buying of milk or cream as may be issued by the Director; said license to expire on June 30 of the license year for which it is issued.

Section 6.

(1) Except as provided in subsection (2), all persons who test milk or cream bought by buyers from producers shall secure and hold a license to test.

(2) Any person who tests milk or cream bought by buyers from producers not holding a current license to test shall demonstrate his proficiency in testing by satisfactorily passing an examination prescribed by the Director. Prior to the successful completion of this examination he may apply for a temporary permit to test.

(3) Application for a license or temporary permit to test shall be on form prescribed by the Director and accompanied by the license fee or permit fee provided for in Section 9 of this Act.

Section 7. All persons who weigh, measure or sample milk or cream bought by buyers from producers shall secure and hold a license to sample and weigh; provided, however, that licensed testers may sample, measure and weigh under the authority of their license to test. Application for such license shall be made on a form prescribed by the Director and accompanied by the license fee provided for in Section 9 of this Act. Upon receipt of such application and fee, the Director shall issue to the sampler and weigher a permit to sample and weigh, then after investigations show him qualified, a license to sample and weigh milk and cream, provided that the sampler and weigher is in compliance with the provisions of this Act and such regulations relating to weighing, measuring and sampling of milk and cream as may be issued by the Director; said license to expire on June 30 of the license year for which it is issued.

(2) All persons who transfer milk from farm bulk tanks to bulk tank trucks for transporting to a buying location shall secure and hold a license to sample and weigh.

Section 8. Test equipment including test bottles, pipettes, weights, scales and other measuring or calibrating devices used in testing milk and cream under the provisions of this Act which are calibrated or adjusted so as to determine the results or accuracy of results of such test shall be inspected by the Experiment Station. Such equipment found accurate shall be stamped, sealed or permanently marked so as to be distinguishable. The charge for initial inspection of test equipment shall be as prescribed by the Director but not to exceed 3c per piece. Equipment to be stamped for use in Kentucky shall be limited to those items listed and described on an approved list published periodically by the Director.

Section 9. The license fees to be paid for respective licenses provided for in Sections 5, 6 and 7 of this Act shall be as follows:

(1) Buyers:

(a) For cream stations—$6.00 per year for each license; provided, however, that those places beginning operation after July 1 shall pay

50c per month or fraction thereof for the months remaining in the license year ending June 30.

(b) For each creamery, milk shipping station, milk factory, cheese factory, condensery, milk processing plant, person, agent, firm, company, association or corporation an amount determined according to the following schedule:

(1) $25.00 per license for those buying less than 1,000,000 lbs. of milk or milk equivalent during the past year;

(2) $75.00 per license for those buying more than 1,000,000 lbs. of milk or milk equivalent but less than 10,000,000 lbs. during the past year;

(3) $100.00 per license for those buying more than 10,000,000 lbs. of milk or milk equivalent during the past year;

(4) $2.10 for each month or fraction thereof remaining in the license year for the initial license of places which begin operation during the year.

(2) Testers:

License to test or temporary permit to test—$3.00.

(3) Samplers and weighers—$3.00.

Section 10. The Director is charged with the enforcement of this Act and may, subject to recommendation of the Board, employ all proper means to aid and assist in the enforcement of its provisions, including the revocation or suspension of a license as provided in Section 11 of this Act. The Director may delegate the administration of his responsibility, may employ such personnel as may be necessary to assist him, in the enforcement of the Act. Personnel engaged in the enforcement of this Act and duly authorized by the Director may inspect testing equipment and scales, take samples, make tests and retests and examine records of weights, tests and payments of milk and cream at licensed places. Subject to recommendations of the Board, the Director shall promulgate reasonable regulations necessary to supplement this Act relating to the buying of milk and cream, the inspecting and stamping of glassware, testware and test weights used in testing milk and cream to assure accuracy, the definition of standard testware, and the levying of an inspection and stamping charge for each item of glassware, testware, and test weights inspected and stamped, and may make other regulations reasonably calculated to promote the purposes of this Act.

Section 11. The Director may revoke or suspend any license issued under authority of this Act; provided, however, that such revocation or suspension shall occur only when the licensee has failed to comply with the provisions of this Act or the rules and regulations issued thereunder, and provided that such revocation or suspension shall occur only upon written recommendation to the Director by the Examining Board and after the licensee has had an opportunity, upon due notice, at a hearing before said Board, to show cause why his license should not be revoked or suspended.

Section 12. Upon the revocation of any license, the licensee may within sixty days appeal the revocation order of the Director by filing suit in the Franklin Circuit Court.

Section 13. The responsibility for advising the Director concerning enforcement of this Act, for reporting violations, for conducting investigations and hearing pursuant to recommending revocation or suspension of a license, and for recommending rules and regulations to be issued by the Director, is vested in an Examining Board. The Board shall be composed of the Head of the Dairy Section, College of Agriculture and Home Economics, University of Kentucky, who shall be Chairman, and three members appointed by the Director. Two of three appointed members shall be appointed from a list of four persons nominated by the Dairy Committee of the Kentucky Farm Bureau Federation and the third appointed member shall be appointed from a list of two persons nominated by the Executive Committee of the Dairy Products Association of Kentucky. The appointed members shall serve for a term of three years and until their successors are appointed and qualify; except that the first appointments made under this Act shall be for terms of one, two, and three years respectively as the Director shall designate. The Board shall meet at such time and such place as the Chairman shall designate. Three members present at any meeting shall constitute a quorum, and upon the written request of any two members, the Chairman shall call a meeting at the time and place requested. Board members not already employed by the State shall be compensated at the rate of $7.50 per day for Board service and all members shall be reimbursed for any actual expense incurred in performing Board duties.

Section 14. All moneys resulting from the payment of license fees, inspection and stamping charges, or other charges provided for in this Act shall be paid to the Director and shall constitute a special and separate fund which shall not lapse and which shall be expended by the Director under authority of the Board of Trustees of the University of Kentucky on proper and separate vouchers. This fund shall be used primarily for discharging expenses incurred in enforcing this Act and any portion of the fund not necessary to this purpose shall be used to support research pertaining to methods and equipment for sampling and testing dairy products or such other dairy research work as the Director may recommend.

Section 15.

(1) Any person violating or failing or refusing to comply with Section 2 or 5 of this Act shall, upon conviction, be fined $100 for the first offense and not less than $100 nor more than $1,000 for each subsequent offense.

(2) Any person violating or failing or refusing to comply with Sections 3, 4, 6 and 7 of this Act shall, upon conviction, be fined $25.00 for the first offense and not less than $50.00 nor more than $100 for each subsequent offense.

Section 16. Sections 260.170, 260.180, 260.190, 260.200, 260,210, 260.220, 260.230, 260.240, 260.250, 260.260, 260.270 and subsections (3) and (4) of Section 260.990 of the Kentucky Revised Statutes are hereby repealed.

HB 289: AN ACT relating to trailer coach parks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 219.180 of the Kentucky Revised Statutes is amended to read as follows:

Each trailer coach park issued a permit to operate or to be constructed under the provisions of KRS 219.120 to 219.250 shall:

(1) Comply with all local zoning regulations;

(2) Be in charge of a responsible attendant or caretaker at all times;

(3) Not allow a nuisance to be created or allow a nuisance to continue to exist in the trailer coach park;

(4) Be so located that the drainage of the park area will not endanger any water supply;

(5) Be well drained;

(6) Furnish an adequate supply of water of safe, sanitary quality, approved by the department, as well as an adequate supply of hot water;

(7) Provide adequate toilet, lavatory and bathing facilities for occupants of dependent trailer coaches provided that it shall not be necessary that structures be erected providing toilet, lavatory, and bathing facilities for occupants of independent trailer coaches where the owner or operator of the trailer coach park has made provision for adequate and proper sewage disposal by means of connection with lines of a municipal or privately owned sewage disposal system, which provides a sanitary means of disposal, and the owner or operator of the trailer park restricts rental space in the trailer park to independent trailer coaches.

(8) Maintain buildings at a temperature of at least sixty-eight degrees Fahrenheit during the period from October 1 to May 1;

(9) Provide a laundry room or building containing laundry trays to accommodate the patrons of the trailer coach park; however no laundry trays shall be located in toilets or bathrooms;

(10) Dispose of all sewage and other water-carried wastes into a municipal sewage system whenever available; however where connections are not available, disposal shall be into a private system

which includes a sanitary means of disposal, the operation of which creates neither a nuisance nor a menace to health, and is approved by the department;

(11) Permit no water or waste to fall on the ground from a trailer coach;

(12) Supply a sufficient number of adequate flyproof and watertight containers for the storage of garbage and rubbish;

(13) Dispose of garbage and rubbish in a manner which creates neither a nuisance nor a menace to health and which is approved by the department;

(14) Employ adequate insect and rodent control measures;

(15) Make all buildings fly and rodent proof and eliminate rodent harborages;

(16) When community kitchens and dining rooms are provided, maintain such facilities and equipment as are supplied, in a sanitary condition and good repair;

(17) Be subject to the rules and regulations of the State Fire Marshal;

(18) Notify immediately the local health department of any suspected communicable disease within the trailer coach park.

The Committee on State and County Government reported **HB 415** and **HB 16** with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 415: AN ACT relating to the duties and powers of water districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 74.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission may acquire and install pipe and water laterals, and operate a water system for any district. The commission shall be a body corporate for all purposes, and may make contracts for the water district with municipalities and persons for a water supply. It may prosecute and defend suits, hire necessary employes and do all acts necessary to carry on the work.

(2) The commission, as soon as duly appointed and qualified, may levy one, two or three annual taxes, which taxes need not be in successive years, of not more than fifteen cents upon each one hundred dollars of assessed valuation of such property within the district as is to be serviced with water by the district, to be used for the purpose of paying the expenses of organization, surveys and plans and for other incidental expenses that may be necessary up to the time money is received from the sale of bonds. This tax shall be certified to the auditor of the county in which the district is located and by him to

the treasurer of such county. The tax shall be based upon the last preceding assessment for state and county purposes, its collection shall conform to the collection of taxes for counties, and the same provisions concerning the non-payment of taxes shall apply. The tax shall be added by the county clerk to the next state and county tax bill following the levy of the tax by the commission, and shall be collected concurrently with the state and county taxes. Neither the county tax commissioner nor the county clerk shall be entitled to any additional compensation in connection with the services rendered in connection with the listing of the property for taxation nor shall the sheriff receive any additional compensation for the collection of the tax.

HB 16: AN ACT relating to record books and supplies required by circuit court and county court clerks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 28.135 of the Kentucky Revised Statutes is amended to read as follows:

All necessary record books and all necessary supplies, materials, paper, binders, chemical and other photostatic supplies used in the preparation and making of such record books, required by the circuit court and county court clerks, shall be procured by the clerks upon the order of the court of which he is a clerk. All office record books required by the county court clerks shall be paid for by the State. All other such books shall be paid for by the county.

The Committee on Municipalities reported **HB 389, HB 271, SB 102, HB 249, HB 231, HB 251, HB 323, HB 328, HB 391, HB 317** with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 389: AN ACT relating to cities of the Second to Sixth Classes, inclusive; and providing an alternative method for the authorization, construction, and financing of street, sidewalk, and sewer improvement projects by the levying of annual improvement assessments upon only the benefited properties, and upon the basis of the assessed valuation thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, as follows:

SECTION 1. Incorporated municipalities of the Second to Sixth Classes, inclusive, are authorized to provide for, construct, and finance improvements, as herein defined, according to the plan set forth in this Act. The authority hereby conferred is not intended to be in derogation of any authority otherwise conferred upon such cities, but is alternative and in addition thereto. If a city has taken any step or steps under any other law to provide for, construct or finance street improvements it may abandon the procedure under the other law, if it so desires, and proceed under the provisions of this Act, if it can do so without impairing any contractual right or contractual rights.

SECTION 2. The term "governing body", as used in this Act, means and includes the legislative body of any city of the specified Classes, whether the same be designated by applicable statutes as a General Council, a Common Council, a City Council, a Board of Trustees, a Board of Commissioners, or otherwise.

The term "Ordinance means and includes any ordinance enacted in accordance with the general laws applicable to ordinances of the class of city in question, and the form of government thereof, and in accordance with the provisions of this Act.

The terms "Improvement," and "Project," mean and include the new construction of streets, sidewalks, boulevards, avenues, roads, lanes, alleys, parkways, courts or terraces, and curbs or gutters or storm or surface water sewers or drains incident thereto, or the substantial reconstruction or widening thereof, or sanitary sewers in or adjacent thereto.

The term "Costs," as applied to any project undertaken under this Act includes the cost of labor, materials, and equipment necessary to complete the project in a satisfactory manner, cost of land acquired, and every expense connected with the project, including preliminary and other surveys, inspections of the work, engineers' fees and costs, attorneys' fees, preparation of plans and specifications, publication of ordinances and notices, interest which will accrue on the bonds until the due date of the first annual improvement assessment levied in connection therewith, a sum equal to any discount in the sale of the bonds (if discount bids are authorized and permitted by the governing body), a reasonable allowance for unforeseen contingencies, the printing of bonds, and other costs of financing which may include the payment of a fee to a fiscal agent for advice and assistance in the preparation and marketing of the bonds.

The term "assessed value basis," means the plan for the levying of annual improvement benefit assessments on the basis of the assessed values of the benefited properties, as authorized by this Act.

The term "front-foot basis," refers to the plan for financing improvements by apportioning the cost among benefited properties upon the basis of the number of linear feet thereof abutting upon the improvement project, as otherwise provided by law.

SECTION 3. If a city desires to authorize, construct, and finance an improvement pursuant to this Act, its governing body shall initiate the proceedings by adopting an ordinance, herein called the "First Ordinance," in which announcement shall be made of the street or streets (which shall be contiguous) proposed to be improved, and/or provided with sewers, the geographical limits of the proposed improvement, the nature and scope thereof, the property to be benefited, a preliminary estimate of the costs thereof as submitted in writing by an engineer, or firm of engineers, holding a license from the Commonwealth of Kentucky, and the amount, if any, which the city proposes to appropriate from available city funds toward the estimated cost. In all succeeding proceedings, the city shall be bound and limited by the preliminary report of the engineer, or engineers, with regard to the nature, scope, and extent of the proposed improvement project (unless the First Ordinance be amended, as hereinafter provided); but shall not be bound by, or limited to, the preliminary estimate of costs. The costs shall be determined upon the basis of construction bids publicly solicited as hereinafter provided, and shall be binding upon the city, and upon the owners of property to be benefitted by the proposed street improvement project, whether the same turn out to be equal to, below, or above such preliminary estimate. Architects, engineers, and fiscal agents may be employed without advertising or competition. The First Ordinance shall provide for a public hearing at a time and place specified therein (not less than one week after publication) and shall give notice that at such hearing any owner of property to be benefitted may appear and be heard as to (a) whether the proposed project should be undertaken or abandoned, (b) whether the nature and scope of the project shall be altered, (c) whether the project shall be financed through the issuance of bonds according to the "assessed value basis," authorized by this Act, or (d) whether the project shall be financed through assessments made and apportioned on a front-foot basis, as may otherwise be authorized by law. The First Ordinance shall be published, as ordinances are required to be published, and if there be no requirement of publication, it shall, nevertheless, be published one time in a newspaper published in the city, or of general circulation in the city, or by posting copies in typewritten, mimeographed, or printed form in such number of public places in the city as the governing body may in said ordinance provide. The First Ordinance may designate a person, who may be the Mayor, (or the Chairman of the Board of Trustees) a member of the governing body, or any city official, to preside at and conduct such public hearing. In the absence of such designation in the ordinance, the Mayor, Chairman of the Board of Trustees, or a person designated by the Mayor or Chairman shall preside. Notwithstanding the foregoing, such public hearing shall not be deemed irregular or improper if it is in fact presided over and conducted at the designated time and place by any elected city officer or member of the governing body.

SECTION 4. A public hearing shall be held at the time and place designated in the First Ordinance. Any person qualifying under the provisions of Section 3 of this Act may preside and conduct such hearing. Such presiding person, or any person whom he or she may designate, shall make reasonable notes or minutes of the proceedings, and the same shall be submitted in writing to a subsequent regularly scheduled meeting of the governing body. Any owner of property intended to be benefited by the proposed improvement project may be heard at such public hearing, in person or by a representative. Any such owner may submit to the person presiding, or to the designated clerk, if one be designated, a written instrument in which such owner is identified by name, address, and designation of the property owned, and containing a statement of any reason for advocating, or objecting to, any of the aspects of the proposed improvement project as set forth in (a), (b), (c), or (d) of Section 3 of this Act, and such written instruments shall be attached to, or included in, the written report of the hearing. Whether or not any such written instruments are submitted, the person presiding at such hearing may require those in attendance to identify themselves as owners of property to be benefitted, or otherwise, and may call for a vote of such identified owners, by secret ballot or show-of-hands, on any pertinent controversial matter, and the results thereof shall be included in the subsequent written report to the governing body. The hearing may be adjourned to convene again, and from time to time, either at a time and place announced at the hearing, or any adjourned session, or upon public notice of such time and place, to be given in such manner as the person presiding may announce prior to the adjournment. If no owners of property to be benefited by the proposed project appear at such hearing, or if no substantial controversey develops at such hearing, regarding any of the matters enumerated in (a), (b), (c), and (d) of Section 3 of this Act, the hearing may be adjourned sine die by the person presiding, and such facts shall be set forth in the written report to the governing body.

SECTION 5. At a subsequent regular meeting of the governing body, the said written report of said public hearing shall be publicly received, read, and considered by the governing body of the city. At such meeting, or at any subsequent properly convened regular, adjourned or special meeting, owners of properties to be benefited may again be heard, in person or by a representative, and the governing body may adopt an ordinance (hereinafter referred to as the "Second" Ordinance), which may provide for (a) abandonment of the project, or (b) the undertaking of the proposed project, with provision for the financing thereof according to the "assessed value basis" set forth in this Act, or (c) the undertaking of the project, with provision for the financing thereof according to any other method which may be permitted by law, or (d) altering the nature and scope of the proposed project, in which event the procedure for public hearing and a further report shall be repeated according to the preceding provisions of this Act. If the governing body shall determine that the owners of more than fifty per cent (50%), both in number of lots or parcels and in aggregate assessed value of the properties to be benefittd by the project, object to the financing thereof through assessments levied upon the "assessed value basis," as authorized in this Act, the governing body may enact the Second Ordinance only upon the affirmative vote of members constituting not less than three-fifth (3/5ths) of the membership of the governing body, the names of the members so voting to be recorded in the minutes of the meeting whether or not there be any other requirement of such procedure in any other law applicable to the class of city in question. The Second Ordinance shall be published as provided in this Act with respect to publication of the First Ordinance.

SECTION 6. Any owner of property to be benefited by the proposed project may, within thirty (30) days after passage and publication of the Second Ordinance:

(a) File an action in the Circuit Court of the county in which the city is situated (or, if the city be situated in more than one county, in the Circuit Court of any such county) seeking relief by declaratory judgment, injunction, or otherwise; or

(b) File in the office of the City Clerk a written, notarized statement of intent to file such an action, endorsed by a licensed attorney at law to the effect that, in his opinion, his client has a reasonable and legitimate probable cause for such proposed litigation, in which event the time for filing such action shall be extended for fifteen (15) days after the date such statement is filed.

In the event of either (a) or (b), above, all proceedings of the city with respect to the proposed project shall be abated until final judicial determination of the controversies presented thereby.

In the absence of action by any owner of property proposed to be benefited, as herein provided, the provisions of the Second Ordinance shall be final and binding. After the lapse of time as herein provided, all actions by owners of properties to be benefited shall be forever barred.

SECTION 7. If the aforesaid Second Ordinance authorizes the undertaking of the proposed project and the financing thereof according to the "assessed value basis," which is authorized by this Act, and if owners of benefited properties do not take action as permitted by Section 6 hereof, or if such action be taken and shall result in final judgment permitting the city to proceed according to the First and Second Ordinances the governing body of the City may proceed as authorized in this Act.

SECTION 8. Proposals for the construction of the project shall be solicited upon the basis of the submission of sealed competitive bids after public advertisement, as provided by the general laws applicable to the city in question. Upon or after the acceptance by the governing body of a bid, or combination of bids, the governing body may determine the principal amount of bonds to be issued for the proposed project, taking into account the amount of the accepted bid or bids, and all other costs of the project, as herein defined. Each contract shall be supported by a performance bond for the full amount thereof, with good surety to be approved by the governing body.

SECTION 9. Thereupon the governing body may adopt an ordinance, hereinafter referred to as the "Third Ordinance":

(a) Finally authorizing the issuance of bonds of the City which shall be designated "Improvement Assessment Bonds" and shall, in addition, identify the project by name of streets, number, or otherwise;

(b) Determining the principal amount thereof;

(c) Establishing the denominations and maturity dates thereof, which may be term or serial maturities, not to exceed twenty (20) years from date of issue;

(d) Levying an annual assessment effective only upon the benefited properties, according to their respective assessed values as determined for the purposes of general city taxation, but without regard to any constitutional or other limits otherwise applicable to taxation for general city purposes, the annual rate of such improvement assessment to be fixed when city taxes are levied, and to be sufficient in each year to provide for the payment of such bonds and interest coupons as they mature; and, in the case of the first such levy, sufficient to provide, in addition, a sum equal to twenty percent (20%) of average annual principal and interest requirements, the same to constitute a "debt service reserve" as a precaution against possible default by reason of failures in the collection of the annual levies, as hereinafter provided;

(a) Covenanting with the holders of said bonds and coupons, that until the payment in full thereof the city will levy annually an improvement assessment upon the benefited properties only, as provided in the foregoing subsection (d) hereof;

(f) Covenanting with the holders of said bonds and coupons, that until payment in full thereof, the city will pursue and exhaust, at the city's expense, all remedies available to the city and for the benefit and protection of the bondholders, including enforcement to judgment and decretal sale of the liens upon benefited properties, as provided in this Act;

(g) Designating one or more places of payment of principal and interest, within or without the Commonwealth;

(h) Specifying, or omitting, provisions for redemption and payment prior to stated maturities, and the terms thereof;

(i) Providing for the payment by the city of any and all reasonable and customary charges for the services of paying agents, to the end that the holders of the bonds and coupons will receive the sums therein stipulated, without deductions for such charges; and

(j) Any other provisions not contrary to law.

SECTION 10. After the Third Ordinance has been adopted (and without regard for its date of publication), the city may solicit the submission of bids or proposals for the purchasing of the bonds authorized by the Third Ordinance, the same to be received upon a sealed competitive basis after advertisement by publication one time in a newspaper of general circulation throughout the Commonwealth of Kentucky, not less than seven (7) days before the date set for the opening and consideration of such bids. Such bids or proposals may be solicited on the basis of competition as to price and/or interest coupon rates, as may be specified in the published notice, and bids offering less than the par or face value of the bonds may be considered and accepted if so stated in the published notice of the scale. If no bids are received upon terms acceptable to the governing body and conforming to the published notice, bids may again be solicited by similar published notice, until a purchase bid is received upon terms acceptable to the governing body, but the bonds, or a portion thereof, may be awarded to a contractor, or contractors, as provided in Section 20 of this Act.

SECTION 11. When the bonds are delivered and the proceeds are received by the City, the same shall be deposited in a bank or trust company, or combined bank and trust company, and to the extent such deposit may exceed insurance provided by Federal Deposit Insurance Corporation, (if the depository be a member thereof, otherwise the full amount), the same shall be secured by a valid pledge of bonds or notes of the United States Government, or fully guaranteed thereby, having at all times a market value equal to the undisbursed balance of such deposit; or shall be secured in such other manner as the governing body may prescribe or approve. Costs of the project which may then be earned and payable, may be paid forthwith. There shall be set aside into the sinking fund, hereinafter created, a sum from bond proceeds equal to all interest which will accrue on said bonds until the date when the first improvement assessment levied in connection therewith will become due and payable. The remainder may be disbursed from time to time in payment of costs of the project, as herein defined, except that payments on account of the construction contracts shall not exceed ninety percent (90%) of the amount shown by a written certificate of the engineer to have been earned for materials furnished and/or labor performed by any contractor, the retained ten percent (10%) to be disbursed only upon final acceptance of the finished work of such contractor. If, after completion, acceptance and payment of the work of all contractors, and the payment of all costs of the improvement project, as herein defined, there shall remain an unexpended balance of bond proceeds, such balance shall be transferred to the sinking fund created and maintained in connection with the project, as provided in this Act.

SECTION 12. Each of said bonds shall bear on its face the statement that it has been issued under this Act, and that it does not constitute an indebtedness of the city within the meaning of the Constitution. The bonds, and the receipt of interest thereon, shall not be subject to taxation. The bonds shall have all the qualities and incidents of negotiable instruments. The bonds, and the interest thereon, shall be payable exclusively from the proceeds of the annual improvement assessments levied from time to time upon the properties benefited by the project identified in the bonds; but the city shall become directly and personally liable to the bondholders for any deficiencies which may arise from its failure to pursue to exhaustion, and in timely fashion, all remedies lawfully available in the collection of such improvement assessments.

SECTION 13. The sum necessary to be raised annually for the sinking fund shall be assessed against the property benefited in the proportion that the assessed value of each lot or parcel for city taxation shall bear to the whole assessed value of the benefited properties, as shown by the records upon which city taxation may, from time to time, be based. Where there is no such record, as in the case of public property, or property owned by religious, charitable, or educational institutions, the same (except that owned by the United States Government) shall be specially assessed by the proper assessing officers, and for such special assessment reasonable compensation may be made. Any such special assessment shall be subject to all procedures for equalization and judicial review as may be provided by law in connection with ordinary assessments.

SECTION 14. The benefited property shall consist of all real property abutting upon both sides of the improvement project, and the costs of improving intersections shall be included in the total costs to be assessed and apportioned, unless and to the extent the city shall appropriate from available funds a definite and specified sum as a contribution thereto, within constitutional limitations; provided, however, that if provision shall be made for sidewalk improvements upon only one side of the project, the costs of the sidewalk improvement shall be ascertained and assessed separately against the property abutting upon that side only, but the governing body may provide that such assessment shall include a fair share of the over-all costs, as herein defined, other than the amounts of the actual construction contracts.

(2) Benefited property owned by the city, county or state, or owned by the United States Government or any of its agencies, if such property is subject to assessment by Act of Congress, shall be assessed annually the same as private property, and the amount of the annual assessment shall be paid by the city, county, state, or United States Government, as the case may be. The same right of action shall lie against the county as against a private owner. In the case of the state, the amount of the annual assessment shall be certified by the city treasurer to the Department of Finance, which shall thereupon

draw a warrant upon the State Treasurer, payable to the city treasurer, for the amount thereof, and the State Treasurer shall pay the same out of any money in the State Treasury not otherwise appropriated. For the purpose of this Act, all public school property shall be deemed to be property owned by the State, as provided by KRS 162.010.

(3) No benefited property shall be exempt from assessment.

SECTION 15. The annual improvement assessment for each project shall be levied by the governing body when the levy for general city taxes is made; and such improvement assessment levy shall be due at the same time, or times, when the general city taxes are due, and shall be subject to the same penalties and accrual of interest in the event of non-payment as in the case of such general city taxes.

SECTION 16. Each annual improvement assessment, with any penalty or interest incident to the non-payment thereof, shall constitute a lien upon the lot or parcel of benefited property against which it is assessed. The lien shall attach to each lot or parcel of benefited property as the same is described by the owner's deed of record in the County Court Clerk's Office at the time of the publication of the First Ordinance, as herein provided, and thereupon shall take precedence over all other liens, whether created prior to or subsequent to the publication of said Ordinance, except state and county taxes, general municipal taxes, and shall not be defeated or postponed by any private or judicial sale, by any mortgage, or by any error or mistake in the description of the property or in the names of the owners. No error in the proceedings of the governing body shall exempt any benefited property from the lien for the improvement assessment, or from the payment thereof, or from the penalties or interest thereon, as herein provided. No error in the proceedings of the governing body shall exempt any property from liability for payment of any annual improvement assessment, or for any interest or penalty incident to non-payment thereof. The city's governing body, or any court of competent jurisdiction, shall have power to make such rules and orders as may be required to do justice to all parties.

SECTION 17. The proceeds received by the city from each and every annual improvement assessment levy made in connection with each separate improvement project, as authorized by this Act, shall be segregated from and kept always separate and apart from all other receipts of the city from any and all other sources, and shall be deposited in a separate and special account in a financial institution in an account so specially designated by number or other designation as to identify the same in such manner as to distinguish the receipts and deposits from each such project from the receipts and deposits from every other such project, and from any and every other account or fund of the city. The same shall constitute the "sinking fund" referred to in this Act.

SECTION 18. All sums received and deposited in the sinking fund shall be held inviolate and applied by the city solely for the payment of the principal of, and interest on, the bonds issued for the financing of the identified improvement project. The amount collected, and deposited in the sinking fund from the first improvement assessment levied in connection with any project, in excess of maturing principal and interest of the bonds, and for the purpose of creating a "debt service reserve," shall be held in the sinking fund for that purpose. If the collections from the first annual improvement assessment levy shall fail to produce a sum sufficient to provide a "debt service reserve" equal to twenty per cent (20%) of future average annual principal and interest requirements, the next annual improvement assessment shall be fixed at such level as may be calculated to restore the "debt service reserve" to such level after providing for current principal and interest maturities. If, at the time of any annual levy of the improvement assessment, the sum held in the sinking fund as said "debt service reserve" shall exceed the level herein specified, such excess may be taken into account in fixing the rate of the improvement assessment for the ensuing year; and if the amount so held in said "debt service reserve" is below said specified level, the next annual improvement assessment levy shall be increased in a corresponding manner. In making the improvement assessment levy for the year preceding the final maturity of bonds for any improvement project, the governing body may take into account, and make allowance for, the amount held in the sinking fund of the particular project as a "debt service reserve"; and if in making such levy the governing body shall miscalculate and provide funds insufficient to pay the final maturing principal and interest, the governing body shall be authorized to, and shall be required, to make a subsequent improvement assessment levy upon the benefited properties sufficient to make up the deficiency, with interest to date of payment. If the procedures required by this Act shall result in a surplus after payment of the bonds, and all interest thereon to date of payment, such surplus shall be refunded, pro rata, to the owners of benefited properties, as determined at the date such surplus is ascertained by the governing body to exist.

SECTION 19. If the ordinances and proceedings authorized by this Act shall encompass and include less than all of the undertakings authorized and contemplated by the definitions set forth in Section (2) of this Act, (i.e., a street improvement project with or without sidewalk, curb, gutter, and/or storm or surface water sewers or drains or sanitary sewers), the city shall not be precluded from ordaining and requiring the omitted matters and structures to be constructed at the expense of the benefited properties at any time in the future, in accordance with the provisions of this Act, or in accordance with any other applicable laws. If the improvement project shall encompass all of the elements included in the definition of "Improvement" or "Project" as set forth in this Act, the city shall not thereafter undertake any project for any part of the improvements as herein defined except (a) at the exclusive cost of the city, or (b) at the cost of the benefited properties from and after fifteen (15) years after completion and acceptance of the project.

SECTION 20. If any city of the classes referred to in this Act shall adopt the Third Ordinance, herein referred to, and shall publicly solicit the submission of bids or proposals for the purchasing of its "Improvement Assessment Bonds" for the project identified therein, and shall fail to receive a bid upon terms of price and/or interest coupon rate, or rates, conforming to the published notice and acceptable to the governing body, the bonds, or a portion thereof, may be awarded to the contractor, or contractors, at a price of not less than the minimum price permitted by the said published notice, and bearing one or more interest coupon rates not exceeding the rate, or rates, permitted in the said published notice (but not in any event upon such terms as may cause the interest cost basis to the city to exceed six per cent (6%) per annum), but only upon the following conditions:

(a) The entire bond issue authorized by the Third Ordinance may be awarded to the contractor, or contractors, if it or they shall submit to, and obtain formal approval by, the governing body of the city, of a written undertaking (approved as to form and substance by the city's duly designated legal counsel), (i) agreeing to accept in full and agreed payment of the amount, or the aggregate of the amounts, of their respective contracts, bonds as authorized by the Third Ordinance equal in principal amount (or as near thereto as may be practicable) to the amount, or the aggregate of the amounts of their contracts, (in which event such bonds shall be the latest maturing and highest numbered of the bonds authorized by the Third Ordinance), and (ii) agreeing to pay to the city, in cash, the purchase price of the bonds to the extent that the same exceeds the aggergate amount of the contracts of the contractor, or contractors, who are signatories of such written instrument; or

(b) bonds equal to the amount, or amounts, of the contracts of the contractor, or contractors, who are signatories of a written instrument agreeing to accept the same in payment thereof, approved as to form and substance by the city's properly designated legal counsel, may be awarded to such contractor, or contractors, in the event the city is able to, and does, (within constitutional restrictions) appropriate from available funds a sum in cash sufficient to defray all costs of the project, as defined in this Act, in excess of the amount of such construction contract, or the aggregate of the several contracts. In such event, the sum so appropriated by the governing body of the city shall be applied to the payment of such costs;

(c) In the event of procedure as set forth in either subsection (a) or (b) or this Section 20 of this Act, the bonds awarded to the contractor, or contractors, (other than those paid for in cash as set forth in the foregoing subsection (a), shall be placed by the city, in escrow, with a responsible financial institution, with written instructions that the same may be released to the contractor, or contractors, from time to time, but in principal amount not exceeding seventy-five per cent (75%) of the amount certified in writing by the engineer, or engineers, to the said escrow agent, and the city, to have been theretofore earned by and payable to the identified contractor, or contractors, under the terms and conditions of their respective contracts. Upon final approval and acceptance of the project by the governing body, the reserved twenty-five per cent (25%) of such bonds may be released and delivered to such contractor, or contractors.

SECTION 21. If, by reason of miscalculation or the happening of unforseen events or conditions, the proceeds of the bonds authorized by the Third Ordinance should prove to be insufficient to provide for the completion of the project and the payment in full of all costs thereof, the governing body shall be authorized to issue and sell additional bonds sufficient to make up the deficiency, and such additional bonds shall rank on a parity as to security and source of payment with the bonds originally authorized.

SECTION 22. The governing body may issue refunding bonds for the purpose of providing for the payment of any outstanding bonds. The refunding bonds shall be secured to the same extend and shall have the same source of payment as the bonds which are refunded.

HB 271: AN ACT relating to members of police departments of cities of the third and fourth class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In all cities of the third and fourth class within the Commonwealth of Kentucky, except those in which, be referendum ordinance, the patrolmen employed are paid by the day, the members of the police department shall not be required to work more than eight hours per day, for five days each week, except in event of an emergency. Each member of the police department in such cities of the third and fourth class shall have an annual leave of fifteen days with full pay.

Section 2. Salaries of members of the police departments in such cities of the third and fourth class shall not be reduced by reason of the reduction of the number of working hours per week provided for in this Act.

SB 102: AN ACT changing the classification of the city of Brandenburg in Meade County.

WHEREAS, satisfactory evidence has been presented to the General Assembly that the population of the city of Brandenburg, in Meade County, is such as to justify its being assigned to the fifth class of cities.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The city of Brandenburg, in Meade County, is changed from the sixth to the fifth class of cities.

HB 249: AN ACT relating to traffic regulations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No fine in excess of twenty-five dollars shall be imposed on any person for the first violation of any traffic law, ordinance, rule or regulation relating to the speed of any motor vehicle.

Section 2. In no case of alleged violation of traffic law, ordinance, rule or regulation relating to speed of motor vehicles, shall bail be set in excess of the maximum fine permitted by law, including court cost, for the offense as charged.

Section 3. All fines and penalties collected, and all bail forfeited by the non-appearance of defendents charged with the violation of laws relating to speed of motor vehicles, under the provisions of Section 1 and 2 of this Act, shall be the property of the state and shall be paid into the State Treasury; except, that in any calendar year the political subdivision imposing or requiring the same may retain a sum not to exceed two dollars for each member of its population as shown by the lest decennial federal census. Every such payment made to the State Treasury shall be accompanied by a statement in the manner provided by law for state tax monies.

Section 4. Subsection (1) of section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) (a) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, or KRS 189.570 to 189.630, except subsection (1) of KRS 189.580, shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any

person who violates subsection (1) of KRS 189.580 shall be fined not less than ten dollars nor more than two thousand dollars, or imprisoned in the county jail for not more than one year, or both.

(b) Any person who violates the provisions of KRS 189.390 shall be fined not more than twenty-five dollars for the first offense, and not less than ten dollars nor more than one hundred dollars for all subsequent offenses.

HB 231: AN ACT to provide for the mediation of disputes and grievances between cities of the second class, as an employer and its employes; To provide for the appointment of mediation boards with authority to issue subpoenas, to consider terms of settlement between the disputants and to make recommendations for the bona fide consideration of the parties concerned.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No provisions of this Act shall be construed to mean that cities of the second class or any subordinate jurisdiction thereof or any board, commission, or department within such public jurisdiction shall be compelled to accept the recommendations of a mediation board as binding nor shall any group of employes affiliated with a union or otherwise be compelled to abide by the recommendation of such mediation board; provided, however, that both parties to any dispute or grievance in the public employe field covered by this Act shall be required to proceed in good faith according to the terms hereof to create a mediation board and to cooperate fully with such board in attending hearings, supplying data concerning all matters in dispute, to answer questions and in all other particulars to respond in good faith and to cooperate fully with such board in its attempt to settle the matter in dispute. Nor shall anything in this Act be construed to affect, limit, or impair the right of any public employe to express his views, to make complaint or give testimony concerning any grievance pertaining to public employment or to the betterment of his or her working conditions. Nor shall the provisions herein be construed to authorize any public employer covered by this Act to attempt or to deter any public employe working subject to his or her jurisdiction from affiliating with any union, association or other group of public employes. Nor shall a public employer refuse to consider grievances concerning employment problems with the representatives duly chosen by such union, association, or affiliation of public employes.

Section 2. Whenever a public employer or the employing head of a board, commission, or department of the city service or in the services of any subordinate jurisdiction or whenever any union, association or group of public employes of a public unit of government decides by vote of such group that a grievance or matter in dispute which has been considered between the employer and employe cannot be settled amicably and without disruption of the public service it shall be the duty of the employer or the employes, whichever party first serves notice in writing, that such party wishes to invoke the provisions of this Act by the designation of one member of the mediation board. Within forty-eight hours after such party has submitted such notice in writing to the other party it shall submit to the other party the full name and address of the person which it chooses to be its representative on the mediation board. Within forty-eight hours after the service of such notice upon the other party, such other party shall in writing notify the first party that it is proceeding under the provisions of this Act by designating therein with full name and address its representative on the mediation board. The two persons so designated shall upon their appointment forthwith meet and agreed upon a third person who shall be chairman of the mediation board.

Section 3. It shall be the duty of such mediation board to hold public hearings to consider the matter in dispute or the grievance at any place within the limits of the city. Such boards shall have the authority to subpoena witnesses, to compel their attendance, to administer oaths, to take testimony and receive evidence and it shall possess the authority to discuss informally the matter in dispute or the grievance in the presence of both the employer or the employe or their representatives. Following the conclusion of such public hearings or such public consideration of the problem involved, such board shall within thirty days make determination of the issues involved in such disputes or grievances, prepare recommendations thereon in writing and submit a signed copy to the mayor and city manager, and a signed copy to the employer and to the representatives of the employes.

Section 4. The employer and the employes concerned shall in good faith study the recommendations so prepared by the mediation board and if either party to the dispute or grievance after such consideration of the recommendations feels that for some reason it cannot accept the recommendation, it shall notify the opposing party in writing and give reasons therefor. In such event either party to the dispute shall be entitled to ask the board of mediators for further consideration. Whenever further consideration is so requested, both parties to the dispute shall be bound to respond a second time as hereinbefore provided and the mediation board shall be privileged to exercise all of the powers with which it is clothed.

Section 5. The members of boards of mediation shall not receive compensation for their work but they shall be reimbursed for any actual or necessary expenses incurred in connection therewith, and the unit of government involved shall be obligated upon proper affidavit thereof to pay from the treasury actual costs, including subpoena services and other expenses.

HB 251: AN ACT relating to city police in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 95.495 of the Kentucky Revised Statutes is amended to read as follows:

In all cities of the second class within the Commonwealth of Kentucky, except those in which, by referendum ordinace the patrolmen employed are paid by the day, the members of the police department shall not be required to work more than eight hours per day for five days each week, except in the event of an emergency. Each member of the police department in such cities of the second class shall have an annual leave of fifteen days with full pay.

Section 2. Salaries of members of the police departments in such cities of the second class shall not be reduced by reason of the reduction of the number of working hours per week provided for in this Act.

HB 323: AN ACT relating to compilation codification of ordinances in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 84.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) Once every five years, beginning with 1895, each City of the second class shall cause to be published in pamphlet form, properly indexed, all the ordinances and resolutions of a public nature in force.

(2) Each City may, by ordinance and proper reference therein, adopt a code of general ordinances which shall, upon adoption, be considered as substituted in a continuing way for the provision of all general ordinances enacted prior to the adoption of such codification and all ordinances or parts of ordinances which are of a general nature and are not included in such code, except such ordinance provisions as are continued in force by express provisions of the ordinance which adopts such code of ordinances, shall be considered as repealed upon the enactment of the adopting ordinance.

HB 328: AN ACT relating to insurance and repealing Section 131.025 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 131.025 is hereby repealed.

HB 391: AN ACT changing the classification of the city of Hyden in Leslie County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Hyden, in Leslie County, is such as to justify its being assigned to the fifth class of cities;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the City of Hyden, in Leslie County, is hereby transferred from the sixth to the fifth class of cities.

HB 317: AN ACT relating to Police Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 26.190 of the Kentucky Revised Statutes is amended to read as follows:

The police court in cities of the fourth class shall be held by a single police judge. He shall be elected by the voters of the city at the general election in November. He shall hold his office for a term of four years. He shall take the oath required of circuit judges, and shall be a conservator of the peace. The compensation of the police judge shall be fixed by ordinance before his election. No person shall be eligible to be police judge unless he is at least twenty-four years of age and has resided within the limits of the city at least six months next preceding his election.

The Committee on Ways and Means reported **HB 156** with expression of opinion that it should pass by way of committee substitute. Read at length for the first time and ordered placed in the Calendar.

HB 156: AN ACT relating to establishment of Boonesboro State Park.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There shall be a State Park at the site of the original Fort Boonesboro in Madison County, Kentucky, which park shall be known as Boonesboro State Park. This park shall consist of no more than 200 acres and shall be developed for historical and/or recreational purposes at the discretion of the Commissioner of Conservation, in commemoration of the historical significance of Fort Boonesboro to the history and traditions of the Commonwealth.

Section 2. The Division of Parks is hereby authorized, in the discretion of the Commissioner of Conservation, to acquire real property on and near the site of the original Fort Boonesboro in accordance with the provisions of KRS 148.060. The Division of Parks is further authorized to provide for the maintenance of Boonesboro State Park in the manner provided by law.

The Committee on Ways and Means reported **HB 363, HB 427, HB 221, HB 399, HB 287, HB 419, HB 169, HB 129, HB 225, HR 38, HB 400, HB 341, HB 364, HR 32, HB 229, HB 306, HB 384, HB 302, HB 272, HB 428, HB 240, HB 403, HB 366, HB 91, HB 365, HB 362, HB 370, HB 89** with expression of opinion that the same should pass. Read at length for the first time and ordered place in the Calendar.

HB 363: AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Every life insurance company organized under the laws of this State, or doing business in this State, shall by February 15 of each year make a true and correct report to the Department of Revenue, verified by its president, secretary, treasurer, or other proper officer, giving the names and addresses of residents of this State entitled to proceeds of life insurance policies left on deposit with the insurance company and subject to the right of withdrawal as of January 1 previous thereto, with the amount left on deposit in each individual's name, and other information as may be required by the Department of Revenue by regulation.

(2) Every life insurance company organized under the laws of this State, or doing business in this State, shall by February 15 of each year make a true and correct report to the Department of revenue, on forms prescribed by the Department of Revenue, verified by its president, secretary, treasurer, or other proper officer, giving the name and address of any resident of this State who is the beneficiary of a policy or policies with the insurance company, subject to taxation under Kentucky Revised Statutes 132.215, with the amount paid to the Kentucky resident during the twelve months immediately preceding January 1, the age of the individual receiving these payments as of January 1, and such other information as the Department of Revenue may require by regulation.

HB 427: A BILL prohibiting retailers and wholesalers from limiting quantities; defining terms; providing a criminal penalty for violation; authorize actions for injunctive relief; requiring testimony and production of records by defendants and witnesses in injunctive actions but providing immunity from criminal prosecution in such cases; excepting certain sales from the provisions of the Act; providing for severability and to repeal existing acts inconsistent with or contravening the provisions of this Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. The following words and phrases as defined in this Act and as herein enumerated when used in this Act shall for the purpose of this Act have the meanings respectively ascribed in this section:

(A) "Cost" means invoice or replacement cost of merchandise, whichever is the lower; less all trade discounts except customary cash discounts, plus transportation charges not included in invoice or replacement.

(B) "Replacement cost" means the cost per unit that merchandise sold or offered for sale could have been bought by the seller at anytime within thirty (30) days before the date of sale or offer to sell, if bought in the usual course of trade in the same quality or quantities.

(C) "Retail sales", "sell at retail" or "sales at retail" means transfer of title for a valuable and lawful consideration in the ordinary course of the seller's business, of tangible personal property to the purchaser for consumption or use other than further processing or manufacturing. This shall also include so called "title retaining contracts".

(D) "Wholesale", "sell at wholesale" and "wholesale sales" means any transfer of title for a valuable and lawful consideration in the ordinary conduct of seller's business, of tangible personal property to the buyer for the purpose of resale, processing or manufacturing. This also include so-called "title retaining contracts".

(E) "Retailer" means every person, partnership, corporation, and association in business offering to or making sales at retail as herein defined within this state.

(F) "Wholesaler" means every person, partnership, corporation and association in business offering to or making sales at wholesale within this state.

Any person, partnership, corporation and association engaging in the business of offering to or selling at both wholesale and retail shall have applied the definitions in (E) or (F) as to the particular branch of business that is being considered under this Act.

SECTION 2. It shall be unlawful for any wholesaler or retailer to offer for sale, however communicated including newspaper advertising, any merchandise at a price less than cost, if the number of units of same that may be purchased by any customer is limited to any quantity less than the entire supply of said items of merchandise on hand, or if the right to refuse to sell said merchandise to any willing purchaser is retained or exercised by the prospective seller. Any merchandise so offered for sale at a price below cost as herein defined shall be available by said wholesaler or retailer in sufficient quantities to reasonably meet the usual demand therefor.

SECTION 3. When one or more units and or items of merchandise are advertised, offered for sale, or sold with one or more units and or items of merchandise at a combined price, or are advertised as a gift or given with the sale or one or more other units and or items each and all of said units and or items shall for the purpose of this Act be deemed to be advertised, offered for sale or sold, and the cost of each unit and or item or combinations thereof so offered shall be determined by the provisions of Section 1. (A).

SECTION 4. Any retailer or wholesaler who shall knowingly and willingly advertise, offer to sell or sell any item of merchandise at less than cost as defined in this Act and in any manner fail or refuse to deliver said merchandise to any willing purchaser in any quantity requested up to the usual and reasonable and anticipated demand in so advertising and offering, and for which legal tender is made, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred ($500.00) dollars.

SECTION 5. Any person who is refused unlimited quantities of merchandise advertised or offered for sale below its cost may maintain an action in any court of equitable jurisdiction to prevent, restrain, and enjoin a further violation of this Act. Upon the establishment of such a violation the court shall enjoin and restrain, and otherwise prohibit any further violation of this Act, and in addition thereto shall assess against the defendant the costs of suit. The burden of proof to establish a violation of this Act shall be upon the plaintiff, and should he fail to so do he shall be liable for all costs in said case.

SECTION 6. The provisions of this Act shall not apply to sales at retail or wholesale:

(A) Where the merchandise offered or sold is of such a nature that the seller is required to have a license and exercise discretion in selling as to quantities and purchasers.

(B) Where merchandise is sold on contract to departments of the government or governmental institutions.

(C) Where merchandise is sold by any officer acting under the order of direction of any court.

(D) Where perishables and seasonable merchandise must be sold promptly to prevent a loss of said merchandise.

SECTION 7. Any retailer or wholesaler may advertise, offer to sell, or sell merchandise at a price made in good faith to meet the price of a competitor who is selling the same article or products of comparable quality at cost or above to him as a wholesaler or retailer, and the provisions of this Act shall not apply to any such sales.

SECTION 8. Any defendant or any witness, in any injunctive action brought under the provisions of this Act may be required to testify, and any defendant or any witness may upon proper process be compelled to produce in court the books, records, invoices and all other documents of any such defendant or witness which tend to establish the cost basis of any merchandise sold or offered or advertised for sale, and the same may be introduced as evidence therein, but no defendant or any witness in any such action shall be criminally prosecuted.

SECTION 9. The provisions of this Act shall be deemed to be severable and if for any reason any provision shall be determined to be unconstitutional or invalid, such determination shall not be held to affect any other provisions hereof.

SECTION 10. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

HB 221: AN ACT relating to advertising and labeling of foods.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A person who, with intent to defraud, sells or exposes for sale any meat or meat preparations, article of food or food products, and falsely represents the same to be kosher, whether such meat or meat preparations, article of food or food products, be raw or prepared for human consumption, or as having been prepared under, and of a product or products sanctioned by, the orthodox Hebrew religions requirements, either by direct statement orally, or in writing, which might reasonably be calculated to deceive or lead a reasonable man to believe that a representation is being made that such food is kosher or prepared in accordance with the orthodox Hebrew religious requirements, or falsely represents any food products or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed thereon the word "kosher" in any language; or sells or exposes for sale in the same place of business both kosher and non-kosher meat or meat preparations, or both kosher and non-kosher food or food products, whether raw or prepared for human consumption, and who fails to indicate on his window signs and all display advertising, in block letters at least four inches in height, "kosher and non-kosher meat sold here", or "kosher and non-kosher food sold here"; or who exposes for sale in any show window or place of business both kosher and non-kosher meat or meat preparations, or kosher and non-kosher food or food products, either raw or prepared for human consumption, and who fails to display over each kind of meat or meat preparations, so exposed a sign in block letters at least four inches in height reading "kosher meat", or "non-kosher meat”, as the case may be, or “kosher food” or “non-kosher food”, as the case may be, or who displays on his window, or in his place of business, or in handbills or other printed matter distributed in or outside of his place of business, words or letters in Hebraic characters other than the word “kosher, or any sign, emblem, insignia, six-pointed star, symbol, or mark in simulation of same, without displaying in conjunction therewith, in English letters of at least the same size as such characters, signs, emblems, insignia, symbols, or marks, the words “we sell kosher meat and food only”, or “we sell non-kosher meat and food only”, or “we sell both kosher and non-kosher meat and food”, as the case may be, is guilty of a misdemeanor. Possession of non-kosher meat and food, in any place of business advertising the sale of kosher meat and food only, is presumptive evidence that the person in possession exposes the same for sale with intent to defraud, in violation of the provisions of this section.

Section 2. A person who, with intent to defraud, sells or exposes for sale in any hotel, restaurant, or other place where food products are sold for consumption on or off the premises, any meat or meat preparations, article of food or food products, and falsely represents the same to be kosher, whether such meat or meat preparations, article of food or food products be raw or prepared for human consumption, or as having been prepared under, and of a product or products sanctioned by the orthodox Hebrew religious requirements, either by direct statement orally, or in writing, which might reasonably be calculated to deceive or lead a reasonable man to believe that a representation is being made that such food is kosher or prepared in accordance with the orthodox Hebrew religious requirements, or falsely represents any food product or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed thereon the word “kosher” in any language; or sells or exposes for sale in the same place of business both kosher and non-kosher meat or meat preparations, or both kosher and non-kosher food or food products, either raw or prepared for human consumption, and who fails to indicate on his window signs and all display advertising, in block letters at least four inches in height, “kosher and non-kosher food sold here”, or who exposes for sale in any show window of place of business both kosher and non-kosher food or food products, either raw or prepared for human consumption, and who fails to display over each kind of food or food preparation so exposed a sign in block letters at least four inches in height reading “kosher food” or “non-kosher food”, as the case may be, or who displays on his window, door, or in his place of business, or in handbills or other printed matter distributed in or outside of his place of business, words or letters in Hebraic characters other than the word “kosher”, or any sign, emblem, insignia, six-pointed star, symbol, or mark in simulation of same, without displaying in conjunction therewith in English letters of at least the same size as such characters, signs, emblems, insignia, symbol, or marks the words "We sell kosher food only", or "We sell non-kosher food only", or "We sell both kosher and non-kosher food", as the case may be, is guilty of a misdemeanor. Possession of non-kosher food, in any place of business advertising the sale of kosher food only, is presumptive evidence that the person in possession exposes the same for sale with intent to defraud, in violation of the provisions of this section.

Section 3. Any person, partnership or corporation upon conviction of violation of the provisions of this Act shall be fined not less than twenty-five dollars or more than five hundred dollars or confined in the county jail for not more than six months, or both such fine and imprisonment.

HB 399: AN ACT relating to insurance and amending Sections 304.521 and 304.567 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.521 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each applicant for license as agent, solicitor, or adjuster shall, prior to the issuance of any such license, personally take and pass to the satisfaction of the commissioner an examination given by the commissioner as a test of his qualifications and competence; but this requirement shall not apply to

(a) Applications as to limited licenses, as travel insurance agents only, under KRS 304.529.

(b) Applicants who at any time prior to the date of application have been licensed in this state under a license similar to the license applied for and who are deemed by the commissioner to be fully qualified and competent.

(c) Applicants for license as nonresident agent who have fulfilled qualification requirements in their state of residence and who are deemed by the commissioner to be fully qualified and competent.

(d) Applicants for an agent's or solicitor's license covering the same kinds of insurance as an agent's or solicitor's license then held by them.

(2) Applicants for the renewal of licenses in force on September 1, 1950, or issued thereafter, and adjusters in business as such on September 1, 1950, shall not be required to take an examination except as provided in subsection (3) of this section.

(3) The commissioner may at any time require any licensed agent, solicitor, or adjuster to take and successfully pass an examination testing his competence and qualifications as a condition to

the continuance or renewal of his license, if the licensee has been guilty of violation of this code, or has so conducted his affairs under his license as to cause the commissioner reasonably to desire further evidence of his qualifications. In any such event the commissioner shall give not less than thirty days notice of the requirement before the examination, and the licensee's license shall in any event remain in effect until the result of the examination has been determined by the commissioner.

(4) The commissioner shall give, conduct and grade all such examinations in a fair and impartial manner, and without unfair discrimination as between individuals examined.

(5) The commissioner may appoint an advisory board to make recommendations to him with respect to the scope, type, and conduct of written examinations under KRS 304.511 to 304.560 and the times and places in the state where they shall be held. The advisory board, if appointed, shall consist of qualified persons selected from among insurance company officers and employes, general agents and managers, and licensed insurance agents and adjusters on such basis as to provide fair representation as to the various types of insurers. The members of the advisory board shall serve without pay but, upon the authorization of the commissioner, shall be reimbursed for their reasonable expense in attending meetings of the advisory board.

Section 2. Section 304.567 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each applicant for a license to act as a life insurance agent within the state shall submit to a personal written examination to determine his competence with respect to life insurance and annuity contracts and his familiarity with the pertinent provisions of the laws of this state, and shall pass the same to the satisfaction of the commissioner; except that no such written examination shall be required of:

(a) Applicants who at any time prior to the date of application have been licensed in this state under a license similar to the license applied for, unless the commissioner determines that such examination is necessary to establish the competency of such individual; however, in the event the applicant is currently licensed, the commissioner shall give not less than thirty days notice of the requirement before the examination and the licensee's license shall in any event remain in effect until the result of the examination has been determined by the commissioner.

(b) In the discretion of the commissioner, an applicant whose license to do business or act as a life insurance agent in this state was suspended less than one year prior to the date of application.

(2) The commissioner shall establish rules and regulations with respect to the scope, type and conduct of such written examinations

and the times and places within this state where they shall be held. Applicants shall be permitted to take such examinations on any business day at the principal office of the commissioner.

(3) No person who shall have taken and failed to pass two examinations given pursuant to this section shall be entitled to take any further examination until after the expiration of six months from the date of the last examination in which he failed. If such person shall thereafter fail to pass two more such examinations he shall not be eligible to take any further examination until after the expiration of one year from the date of his last unsuccessful examination. An examination fee shall be paid for each and every examination.

(4) The commissioner may appoint an advisory board to make recommendations to him with respect to the scope, type and conduct of written examinations and the times and places in the state where they shall be held. This advisory board, if appointed, shall consist of individuals experienced in the life insurance business, and may include life insurance company officers and employes, general agents and managers, and licensed life insurance agents. The members of the advisory board shall serve without pay but, upon the authorization of the commissioner, shall be reimbursed for their reasonable expense in attending meetings of the advisory board.

HB 287: AN ACT relating to the filing of statements of contributions and expenditures by candidates subsequent to nomination and election dates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 123.060 of the Kentucky Revised Statutes is amended to read as follows:

Every candidate for nomination at any caucus, convention or primary election to any state, county, city or district office shall, within thirty days after the date of nomination, file a statement in writing, subscribed and sworn to by him, setting forth in detail all sums of money or other things of value contributed, disbursed, expended or promised by him, and to the best of his knowledge and belief by any person on his behalf, wholly or in part, endeavoring to secure his nomination to such office, and all sums of money contributed, disbursed, expended or promised by him in support and in connection with the nomination of any other person voted for at the same time. The statement shall set forth in detail each item of contribution or expenditure, and shall show the dates when, the persons to whom, and the purpose for which all such sums were paid, expended or promised. In the case of nominations made at a primary election, the statement shall be filed with the officer with whom the nomination papers were filed. In the case of nominations made by caucus or convention, the statement shall be filed with the Secretary of State when the office is for the state at large or for a district larger than one county, and with the county clerk when the office is for a county or a district less than one county. The candidate shall subscribe before some officer qualified to administer oaths, and file with the statement the following oath:

"I do solemnly swear that the statement herewith filed embraces all money spent by me, or on my behalf with my knowledge by any person for me; that I have neither directly nor indirectly arranged for or encouraged the spending of any money other than as shown in my statement; that I have not repaid any money, so spent or claimed to have been spent, and that I will not do so, and that I have not violated any of the provisions of KRS 123.010 to 123.110 in letter or in spirit."

Section 2. (1) Section 123.070 of the Kentucky Revised Statutes is amended to read as follows:

Every candidate for election to any state, county, city or district office shall, within thirty days after the date of election, file with the chairman of the canvassing board authorized to issue the certificate of election for the office in question, a statement and oath in the same form and manner as provided for in KRS 123.060, containing like information with respect to contributions, disbursements, expenditures and promises made in endeavoring to secure his election or in support and in connection with the election of any other person voted for at the same time.

(2) The statements required by this section are in addition to those required by KRS 123.060.

HB 419: AN ACT to amend and re-enact KRS 64.530, subsection 1, relating to the compensation of county officers and employees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 64.530, subsection 1 is hereby amended and re-enacted to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the fiscal court of each county shall fix the compensation of every county officers and employe. For the purposes of this section, circuit court clerks and master commissioners and receivers in counties other than those containing a population of 75,000 or more, and justices of the peace and constables in all counties, shall be deemed to be county officers, and deputies or assistants of county officers shall be deemed to be county employes, but employes of county boards or commissions which are now authorized by law to fix the compensation of their employes shall not be deemed to be county employes for the purposes of this section. In the case of officers compensated from fees, or partly from fees and partly by salary, the fiscal court

shall fix the maximum compensation that the officer may receive, from both sources, and also shall have authority to fix the number of deputies and assistants, and the compensation thereof, and the maximum amount that the officer may expend each year for expenses of his office. In the case of county officers elected by popular vote, the compensation of any such officer, during the term of those in office on June 30, 1950, shall not be fixed at less than that fixed by the law in force and effect on November 1, 1949. In the case of county officers elected by popular vote, the annual compensation of the officer shall be fixed by the fiscal court not later than the first Monday in May in the year in which such officers are elected, and shall not be changed during the term.

HB 169: AN ACT relating to public printing, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission shall, beginning with the year 1956, furnish each member of the General Assembly a copy of the Kentucky Revised Statutes and its supplements during their term of office. In the event of holdover members or the same members being elected consecutively, then the Legislative Research Commission will furnish to those members only the supplements, if any, edited to that particular date.

Section 2. To carry out the purposes of this Act, there is appropriated to the Legislative Research Commission out of the General Fund in the State Treasury the sum of four thousand and six hundred dollars for the 1956-1957 fiscal year.

Section 3. Whereas, it is essential to the legislative process that legislators know what the law of the Commonwealth is, as evidenced by the official statute publication, and since there is better than a possibility that a special session of the General Assembly may be called soon after this regular session adjourns sine die, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

HB 129: AN ACT relating to annexation of territory by a city of the third class and repealing Section 81.195 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 81.195 of the Kentucky Revised Statutes is hereby repealed.

HB 225: AN ACT relating to pyrotechnics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act may be referred to as the Fireworks Control Law.

Section 2. In enacting this Fireworks Control Law, it is the intention of the General Assembly to provide for the safe and sane use and enjoyment of pyrotechnic displays and celebrations, both public and private, and at the same time to protect against harmful practices in connection with the manufacture, sale, and use thereof.

Section 3. As used in this Act unless the context otherwise requires:

(1) "Fireworks" means any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation except toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper caps which contain less than twenty hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times;

(2) "Special fireworks" shall mean all articles of fireworks not included under "common fireworks" in the provisions of subsection 3;

(3) "Common fireworks" shall include the following articles of fireworks, so constructed as to be nonexplosive in effect, and such others as the State Fire Marshal shall declare by regulation to be "common fireworks:"

(a) Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five grams each in weight, the inside tube diameter not to exceed ¾ inch;

(b) Cone fountains, total pyrotechnic composition not to exceed fifty grams each in weight;

(c) Illuminating torches, the total pyrotechnic composition not to exceed one hundred grams each in weight;

(d) Sparkles and dipped sticks, total pyrotechnic composition not to exceed one hundred grams each in weight; pyrotechnic composition containing any chlorate or perchlorate not to exceed five grams;

(e) Colored box and cone fire, total pyrotechnic composition not to exceed one hundred grams each in weight.

(4) "Wholesale dealer in fireworks" means any person engaged in selling "common fireworks" at wholesale or in selling "special fireworks" at wholesale or retail.

(5) "Retail dealer in fireworks" means any person engaged in selling "common fireworks" at retail.

Section 4. (1) No person shall possess for sale at wholesale or retail "special fireworks" or "common fireworks" except pursuant to the provisions of the Fireworks Control Law of this state.

(2) No person shall ignite, discharge or explode any "special fireworks" except in accordance with Section 7 of this Act.

(3) No person shall shoot, discharge or explode any "common fireworks" near any hospital, infirmary, or asylum.

Section 5. (1) Any person desiring to engage in selling "common fireworks" at wholesale or "special fireworks" at wholesale or retail may make application for a license as a "wholesale dealer in fireworks" to the county clerk of the county in which the business is to be conducted. A separate license is required for each place of business. Such applications shall be made on forms furnished by the county clerk.

(2) The location of the proposed place of business for the sale of said fireworks, together with the method of display thereof shall be approved by the Chief of the Fire Department which services the area in which it is proposed to locate the place of sale of said fireworks, or if no organized Fire Department services said area then the approval shall be given by the sheriff of the county in which the place of sale is proposed.

(3) Upon the verification of the information contained in the application together with approval of the location and method of display and the receipt of a fee of one hundred dollars the county clerk shall issue a "wholesale dealer in fireworks" license for the location described in the application. Such license shall be on a form prescribed by the State Fire Marshal, valid for the calendar year during which it is issued, shall designate on its face the location for which it is issued, and shall not be transferable.

Section 6. (1) Any person desiring to engage in selling "common fireworks" at retail may make application for a license as a "retail dealer in fireworks" to the county clerk of the county in which the business is to be conducted. A separate license is required for each place of business. Such application shall be made on forms furnished by the county clerk.

(2) The location of the proposed place of business for the sale of said fireworks, together with the method of display thereof shall be approved by the Chief of the Fire Department which services the area in which it is proposed to locate the place of sale of said fireworks, or if no organized Fire Department services said area then the approval shall be given by the sheriff of the county in which the place of sale is proposed.

(3) Upon the verification of the information contained in the application, and approval of the location and method of display and the payment of a license fee of twenty-five dollars the county clerk shall issue a "retail dealer in fireworks" license to the applicant for

the location described in the application. Such license shall be on a form prescribed by the State Fire Marshal, shall be valid from tail dealer in fireworks" to the county clerk of the county in which June 15 through July 5, inclusive, of the calendar year in which it is issued, shall designate on its face the location for which it is issued and shall not be transferable.

Section 7. (1) "Special fireworks" may be used for public or private exhibitions of fireworks in connection with fairs, carnivals, or other celebrations, upon written permission of the Chief of the Fire Department of the municipal corporation within which such fireworks are to be used or if such fireworks are to be used outside of a municipal corporation upon the written permission of the sheriff of the county in which such fireworks are to be used. A separate permit is required for each display. No person under twenty-one years of age shall be permitted to handle, discharge, assist in the discharge or assist in the display of special fireworks in connection with any fair, carnival or other celebration. In such case parties in charge of such exhibitions shall be held strictly responsible for any damage to persons or properties resulting from the handling, storage, discharge, display or other use of "special fireworks" in connection with such exhibition. "Special fireworks" being held in storage for such exhibitions must be kept in a closed wooden box, or tarpaulin, until they are to be used.

(2) No shipment of "special fireworks" from any point of origin within or without the Commonwealth of Kentucky shall be transported, hauled or conveyed with the Commonwealth by any person, nor shall any shipment of "special fireworks" be contracted for, or accepted by any person unless such "special fireworks" are to be discharged or displayed under and by virtue of the authority or permission granted by a fire chief or sheriff as provided in subsection (1) or are consigned to a licensed wholesale dealer in fireworks.

(3) "Special fireworks" transported in violation of this section shall be subject to seizure and confiscation.

Section 8. No permits shall be issued pursuant to Section 7 of this Act unless the applicant shall give bond, deemed adequate by the official to whom application for permit is made, in a sum not less than five hundred dollars, conditioned for the payment of all damages which may be caused to person or property by reason of the permitted display, and arising from any acts of the licensee, his agents or employes.

Section 9. No "special fireworks" shall be sold at retail except to the holder of a permit issued pursuant to the provisions of section 7 of this Act. A complete and accurate record of each retail sale of "special fireworks" showing the articles of fireworks sold, the quantity sold, the date of the sale and to whom sold shall be kept by each "wholesale dealer in fireworks."

Section 10. No "common fireworks" shall be sold at wholesale except to a duly licensed "retail dealer in fireworks." A complete and accurate record of each wholesale of "common fireworks" showing the articles of fireworks sold, the quantity sold, the date of sale and to whom sold shall be kept by each "wholesale dealer in fireworks."

Section 11. The approval required in section 5 and 6 of this Act, shall not be granted for any location where paints, oils or varnishes are manufactured or kept for use or sale unless such paints, oils or varnishes shall be kept entirely in the original unbroken container, nor where rosin, turpentine, gasoline or other similar inflammable substance or any substance which may generate inflammable vapors is used, stored or offered for sale, or where the State Fire Marshal shall determine that any condition exists which makes the storage or sale of fireworks at such location hazardous.

Section 12. All fireworks shall be marked and labeled, transported and stored according to regulations prescribed by the State Fire Marshal.

Section 13. (1) The State Fire Marshal shall prescribe reasonable regulations governing the marking and labeling, transporting and storing of fireworks; and all such regulations shall be enforced by the Division of Fire Prevention and Protection.

(2) The State Fire Marshal shall prescribe the forms to be used in making application for licenses to sell "common fireworks" at wholesale and "special fireworks" at wholesale and retail and "common fireworks" at retail and the form of license to be issued for each. Within thirty days after the effective date of this Act the State Fire Marshal shall certify to each county clerk the forms so prescribed.

Section 14. No facilities for the manufacture of fireworks or for the storage of materials used in the manufacture of fireworks shall be erected in this Commonwealth without the written approval of the State Fire Marshal. The State Fire Marshal shall approve such erection only if the location and construction are such as will adequately safeguard the public.

Section 15. Nothing in the Fireworks Control Law shall prevent the sale of and use of explosives or signaling flares used in the course of ordinary business or industry, or shells or cartridges used as ammunition in firearms, or blank cartridges for use in a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for use in military organizations.

Section 16. All money derived from fireworks license fees shall be deposited in the county treasury to the credit of the county general fund.

Section 17. Any person who violates any of the provisions of the Fireworks Control Law shall be fined not more than two hundred dollars or imprisoned for not more than twenty days, or both.

Section 18. Sections 437.095, 438.100 to 438.140 of the Kentucky Revised Statutes are repealed.

HR 38: A RESOLUTION inviting Master Lee Miller Dean, a page, to appear before the House of Representatives.

WHEREAS, it has come to the attention of the House of Representatives of the General Assembly that Master Lee Miller Dean, a page, has unusual and extraordinary talents in the act of ventriloquism, and

WHEREAS, such talents in one so young are extremely rare and an opportunity to witness the utilization of such is seldom afforded this honorable body, and

WHEREAS, it appears that a performance by the said Lee Miller Dean before the House of Representatives of the Commonwealth of Kentucky would be a source of great entertainment and enjoyment to the members of this honorable body,

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That Master Lee Miller Dean be invited to appear and present his program of ventriloquism before the House of Representatives of the Commonwealth of Kentucky.

HB 400: AN ACT relating to flood control payments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 104.190 of the Kentucky Revised Statutes is amended to read as follows:

1. The Department of Finance is authorized to receive and distribute sums paid to this state, for the benefit of particular counties of this state, under the Federal Flood Control Act of June 28, 1938, as amended. The Department of Finance shall keep a separate account of such funds and shall issue warrants upon the State Treasurer in favor of the county treasurer of the county which is entitled to the money, and the State Treasurer shall thereupon issue his check against said funds in favor of said county treasurer for the amount thereof.

2. All funds received by the respective county treasurers as provided in Section 1 of this Act shall be distributed to the county and the Board of Education of said county on a pro rata basis, in the same proportion that county taxes and school taxes within said county bear to each other.

HB 341: AN ACT relating to trees, plants, weeds and pests.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 249.190 of the Kentucky Revised Statutes is amended to read as follows:

If any person who holds land on which Canada thistles are growing and likely to ripen seed, neglects or refuses to cut and destroy them, any person who considers himself agrieved or about to be injured by the neglect or refusal, shall give five days' notice in writing to the person who holds the land, to cut and destroy the Canada thistles. On the neglect or refusal of the person who holds the land to cut and destroy them at the end of five days, any person aggrieved, or believing himself about to be injured, may enter upon or hire other persons to enter upon the land and cut down and destroy the Canada thistles. The persons so employed may recover from the person who holds the land, compensation at the rate of five dollars per day.

HB 364: AN ACT amending KRS 195.040.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 195.040 of the Kentucky Revised Statutes is amended to read as follows:

Bureau of Employment Security; free employment offices; transfer of personnel. (1) The Bureau of Employment Security shall be headed by an executive director who shall be chairman of the Unemployment Insurance Commission, and all of the powers, functions, and duties heretofore performed by the Unemployment Compensation Commission and the executive director of the Unemployment Compensation Commission, as provided in KRS Chapter 341, the Director of Employment Service, and the Employment Service Commission are hereby transferred to and vested in the Bureau of Employment Security. The executive director, with the prior approval of the commissioner, is authorized to integrate and combine the functions and duties of the divisions within the bureau insofar as he considers such integration and combination economical and practicable for the proper and efficient administration of the bureau.

(2) The existing Unemployment Compensation Commission is hereby transferred to and shall hereafter constitute a division of the Bureau of Employment Security, and shall hereafter be known as the Division of Unemployment Insurance. All the powers, functions, and duties heretofore performed by the Unemployment Compensation Commission shall continue to be vested in the Division of Unemployment Insurance.

(3) The Bureau of Employment Security shall establish and

maintain free public employment offices in such number and such places as may be necessary for the proper administration of KRS Chapter 341 and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a National Employment Service and for Cooperation with the States in the Promotion of Such System, and for Other Purposes," approved June 6, 1933 (48 Stat. 113, U.S. Code, Title 29, Section 49 (c)), as amended, and known as the Wagner-Peyser Act. All duties and powers conferred upon any other department, agency, or officer of this state, relating to the establishment, maintenance, and operation of free employment offices shall be vested in the Department of Economic Security. The provisions of the said Act of Congress, as amended, are hereby accepted by this state, in conformity with Section 4 of said Act, and this state will observe and comply with the requirements thereof. The Department of Economic Security is hereby designated and constituted the agency of this state for the purpose of the said Wagner-Peyser Act.

(4) The personnel of the existing Employment Service Commission shall be transferred to employment in the Division of Employment Service in the Bureau of Employment Security.

HR 32: A CONCURRENT RESOLUTION requesting the Governor of the Commonwealth of Kentucky to appoint a commission to establish the boundary line of Bracken and Pendleton and Bracken and Mason Counties.

WHEREAS, by an act of the General Assembly of the Commonwealth of Kentucky approved September 14, 1796, set out the boundaries of Bracken County as follows: beginning on the Ohio River one and one-half miles below the mouth of Lee's Creek, from thence a direct line to the north fork of Licking such a course that will intersect the end of a line drawn nine miles due west Mason courthouse, thence a direct line to the mouth of Beaver Creek on Licking to a point halfway between the confluence of the north and south forks thereof, thence a direct line to the mouth of big stepstone on the Ohio River, thence up the same to the beginning;

WHEREAS, a dispute has arisen between the counties of Bracken and Pendleton and Bracken and Mason with respect to the boundaries between the respective counties; and

WHEREAS, the establishment of well defined, certain boundaries between the several counties comprising the Commonwealth of Kentucky is absolutely necessary in the interest of defining and fixing property rights subject to taxation as well as peace, harmony and good order;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Governor of the Commonwealth of Kentucky appoint a commission to establish the boundary line between the counties of Bracken and Pendleton and Bracken and Mason.

Section 2. That there be appropriated the sum of one thousand dollars to cover the expenses incident to the said commissions duties.

HB 229: AN ACT to authorize counties to create county civil service commissions; to clothe such commissions with the power to prepare rules, with the approval of the fiscal court, which shall have the effect of law; to classify all employee positions, the incumbents of which are appointed by the fiscal court, including incumbents of administrative or directorial positions as heads of departments; to allocate all positions and incumbents thereof to the several classes created; to study salaries and make recommendations to the fiscal court; to conduct competitive examinations and certify for appointment eligibles whenever vacancies exist; to establish in rules provisions pertaining to probationary service and seniority; to hear appeals from persons who have been laid off; suspended without pay, reduced in pay or position, discharged or otherwise separated from the service; to conduct hearings and to sustain actions of the employing officers or to restore to service employes; and to do other acts necessary to administer a civil service system; and to authorize the fiscal court to provide supplementary retirements.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this chapter, unless the context otherwise requires:

(1) "Class" means a group of positions sufficiently similar in respect to duties and responsibilities so that the same title may be applied reasonably to each position, relatively the same qualifications may be required, and the same salary paid.

(2) "Commission" means the civil service commission created in accordance with this Act.

(3) "Eligible" means a person who has qualified by examination, prior service, or otherwise as provided in this Act, and whose name has been placed on a regular list.

(4) "Employe" means a person who is legally in the service or who is on authorized leave of absence and whose position is held for him upon his return.

Section 2. There is hereby created and established a County Civil Service Commission:

(1) Any county may by resolution create a civil service commission to regulate employments, to classify employe positions, to study salaries, to conduct examinations and certify names, to hold hearings, and to perform all other requirements of this Act.

(2) The commission shall consist of three persons appointed by the fiscal court. The original members shall be appointed, one for a term of one year, one for a term of two years, and one for a term of three years. Thereafter the term of the members shall be for three years and until their successors are appointed and qualified; vacancies shall be filled by appointment for unexpired terms and full terms as herein provided.

(3) The members of the commission shall be persons who are interested in and believe in the merit selection of county employes. At the time of their appointment and for two years prior thereto commissioners shall not be nor have been members of a partisan political committees, nor shall any member of the commission while serving in such capacity participate in partisan political campaigns or accept the chairmanship of partisan political committees. Commissioners shall not solicit political campaign funds, circulate political campaign literature or nomination papers for political candidates.

(4) Two members shall constitute a quorum for the transaction of business. The commission shall select a chairman from its membership to serve without term.

(5) The commission may choose from its membership a secretary to keep the records of meetings or if the fiscal court supplies the necessary funds it shall elect a part-time or as required a full-time secretary. If the fiscal court authorizes a part-time or full-time secretary, such secretary shall be a person adequately qualified to administer the provisions of this act subject to the general regulations of the commission and subject to the rules the commission shall promulgate.

Section 3. (1) The County Civil Service Commission shall:

(a) Promulgate and enforce rules to give full effect to the provisions of this Act. All rules before they become effective shall be submitted to the fiscal court. The fiscal court at any time within fourteen calendar days after a rule is submitted to it, including the day of submission as the first day and the fourteenth day as the last day inclusive, can reject such proposed rule. If the rule is approved or not rejected within the fourteen day period as described herein, it shall become effective and have the force of law.

(b) The commission with the assistance of the paid secretary and with other and necessary technical and clerical assistants classify positions into defined classes and allocate the different positions to the proper classes. Such classification work may include if funds are made available class definitions. Classification studies shall be the continuing responsibility of the commission. The original classification plan, and all amendments thereto shall be subject to the approval of the fiscal court.

(c) The commission, with the assistance of a secretary and with such other assistants as it may employ with the funds available, make studies of salaries by comparing existing salary rates with rates paid in other public employer jurisdictions and in industry. Such study of salaries shall be prepared for submission to the fiscal court by listing the title of the class of positions and by placing opposite the class title the proposed salary range for all positions in such class. Such ranges shall contain a minimum or entrance rate of pay, three of four increment steps or rates, and a last step or maximum rate. The commission shall hold open hearings on salary range proposals and upon proposed changes therein. At such hearings the employers and the employes and any representative of the public shall be entitled to be heard. It shall be the duty of the commission to submit its recommendations after such hearings to the fiscal court. The fiscal court may hold hearings and may amend such recommendations or otherwise change them; no new salary range or change in an existing range shall become effective unless or until approved by the fiscal court.

Section 4. (1) All applicants to qualify for employment must:

(a) Be twenty-one years of age or older. The maximum age at which candidates may be accepted shall be prescribed in the rules.

(b) Be eligible to qualify to vote in the county.

(c) Be persons of sobriety and of known integrity, law abiding, and able to read, write and understand the English language.

Section 5. (1) The commission shall with or by such assistants as it is able to employ examine all applicants for classified positions. Such examinations may consist of physical and performance tests plus written tests and may include oral interviews from which ratings are derived and such other subjects or requirements as the commission may prescribe. Separate examinations shall be given for the different classes of positions.

(2) Examinations shall be held at such times and places as the commission deems necessary. Notice containing the necessary pertinent details and including required minimum qualifications and salaries applicable shall be given at least ten days in advance to each examination. Such notice shall be posted on a bulletin board in the court house or in other building in which the commission is housed, and if there is in the county a newspaper recognized as the official newspaper of the county, publication therein.

(3) Applicants shall be rated according to the earned standings in examination. In ratings for promotional examinations length of service may be recognized in accordance with schedules therefor published by the commission in its rules, provided no candidate shall be accorded more than half of the total rating in an examination for length of service and provided further that if oral examinations are given not more than one quarter of the total ratings in the examination shall be given for the oral part of the examination. For the honorably discharged veterans from any wars of the United States including the Korean War, five points may be added to the earned ratings in an examination. The rules shall prescribe the commencement and closing dates of war service for which credit may be allowed.

Section 6. Whenever the commission is advised of a vacancy it shall certify for appointment the names of eligible candidates in the order of re-employment lists, consisting of names of persons who have been in the service and have been laid off or separated because of lack of funds or lack of work without fault or delinquency on their part, promotional lists and if there are not sufficient names on either the re-employment or promotional lists, from the entrance list which shall consist of eligibles in open, competitive examinations. The number of names to be certified for one vacancy shall be, from re-employment lists, two names, from other lists, three names; for more than one vacancy from the re-employment lists, two more names than there are vacancies to be filled, and from other lists, three more names than there are vacancies to be filled.

Section 7. If at any time there is urgent requirements for services which cannot be supplied by certifications of the names of eligible candidates on any of the lists, the commission may authorize the appointment of a person to such vacancy whose name is not on an eligible list or if the name is on an eligible list, not high enough thereon to be certified. Such extraordinary appointments shall be made only of persons whose names with their qualifications are submitted in writing by the appointing authority to the commission. Before such appointment is authorized the commission shall satisfy itself that the nominee is reasonably well qualified to perform the duties of the position to be filled. Such extraordinary appointments shall not be continued for a total period in excess of ninety days nor shall any one person be appointed to more than one extraordinary service position within a period of twelve months. The salary paid for appointees in extraordinary positions shall be the salary prescribed in the established schedules. Exceptions to the requirements provided in this section may be made for the duration of emergencies which shall be interpreted to last not longer than ten days. For such purposes and under such emergency conditions, appointments may be made by the appointing officers but payment for such emergency services shall not be made until the commission is satisfied and so certifies that in its judgment a bona fide emergency condition existed.

Section 8. All appointments except extraordinary and emergency appointments shall be made subject to a probationary service period which shall be provided for in the rules. At any time during the probationary period which shall not be less than one month and not longer than six months, as established by the commission, the employer may reject the employe without preferring charges for such action. Upon the rejection of an employe the commission shall recertify names for the vacancy as required, provided that not more than three rejections shall be made for any single appointment except with unanimous approval of the commission. The probationary service period as prescribed herein shall not be required of a person certified from a re-employment list, and whenever it is made applicable to a person certified from a promotional list such person upon rejection shall be entitled to be reinstated to the position from which he was promoted.

Section 9. Employes who at the effective date of this Act have been in the service of the county six months or more previous thereto shall be eligible for and shall be qualified in the positions occupied by them at and as of such effective date. All such persons shall as required by the commission prepare application forms and submit other required data for the permanent records to enable the commission to understand better the services rendered by such employes. The positions occupied by such persons shall be classified and salary rates established therefor as provided for elsewhere in this Act.

Section 10. No person while employed by a county in a classified position shall during work hours be solicited for campaign funds for any political purpose nor shall any such person solicit campaign funds for any political purpose. Classified employes shall not engage in political activity during work hours, nor shall they engage in political activities after work hours to an extent to injure their usefulness in the positions in which they are serving as civil service employes.

Section 11. No person serving in a classified position who has completed his probationary service period shall be suspended without pay for more than ten days. The reason for all acts of suspension shall be stated in writing, signed by the person making such suspension and filed with the civil service commission. No person who has completed his probationary service period shall be reduced in pay or position or separated from the service except for just cause which shall be stated in writing and signed by the person making such charges and filed with the civil service commission prior to the effective date of such Act. A copy of the action with reasons therefor shall be handed to or filed with the affected employe. Any time within ten days after the effective date of an act of reduction in pay or position or separation the employe so affected shall be entitled to appeal in writing to the civil service commission for a hearing. The commission shall within ten days after the receipt of such appeal in writing accord such employe a hearing. At such hearing the employe shall be entitled to be represented by an attorney or by any association or organization representative of his own choosing and the person making the charges shall be entitled to be represented by a member of the staff of the county attorney. All hearings shall be informal. Both parties to a hearing shall be entitled to have witnesses subpoenaed and present evidence. Within forty-eight hours after the conclusion of any such hearing the commission shall render a decision which shall be binding on both parties, subject to appeal to the circuit court of the county. Whenever an appeal is taken to the circuit court the proceedings therein shall be tried de novo. Such appeal to the circuit court shall have high precedence therein. Any further action to higher courts shall be in accordance with the statutory laws and constitutional provisions of the state of Kentucky.

Section 12. (1) Any county which adopts by resolution the provisions of this Act may provide for a separate pension or supplementary retirement fund for the benefit of employes in the classified service, and for that purpose, may create separate pension or supplementary retirement boards; designate and fix the powers of the trustees of the boards; provide for the creation and maintenance of funds by assessing monthly such amount or per cent of the wages of each employe as may be equitable determined on a fair actuarial basis, not to exceed a per cent greater than five per cent of the monthly salary of the employe. The fund shall be used for the retirement of employes after a prescribed number of years of service, for the benefit of disabled employes and for the benefit of widows and dependent children in case of death of an employe while acting within the scope of his employment or duty. The resolution may prescribe the terms and conditions of eligibility of employes or their dependents to the pension, or supplementary retirement or other benefit, and provide a monthly allowance for eligible employes not to exceed one-half of the monthly salary or wage of the employe at the time of his retirement.

(2) When a county creates a pension or supplementary retirement fund under this Act and accepts from its employes a portion of their wages, an inviolate contract shall be created and exist between the county as employer and such employes. The county and the employes shall continue to operate under this Act and the adopting resolution, and a repeal of the adopting resolution shall not affect the employe unless by mutual consent of the county and the employes.

Section 13. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Section 14. All laws or portions thereof in conflict herewith are repealed to the extent of such conflict.

Section 15. This Act shall be law upon passage and publication, and shall be effective in any county when adopted by resolution of the fiscal court.

HB 306: AN ACT relating to court reporters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 28.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Reporters for circuit courts of continuous session in counties having a population of less than one hundred fifty thousand, and in circuit courts not of continuous session in counties containing a city of the second class, shall receive for their services in taking stenographic notes, a salary to be not less than four thousand dollars per annum and not more than six thousand dollars per annum, to be fixed by the presiding judge of said court and paid in monthly installments by the county.

(2) In counties having a population of one hundred fifty thousand or more, the fees of reporters serving in civil cases in any division of the circuit court shall be fixed by the presiding judge thereof at not more than ten dollars per day for taking stenographic reports, and thirty cents per hundred words for the transcript thereof, which shall be paid forthwith by the party in whose behalf the report or transcript is ordered, and shall be taxed as part of the costs of the action. The reporter shall not be required to file any transcript without payment therefor by the party in whose behalf it is ordered, unless the presiding judge of the division directs him to file a transcript upon the motion of a party suing in forma pauperis.

(a) Reporters of the common pleas branch of the court shall continue to be paid the salaries now provided by law in addition to the fees above prescribed; provided, however, that such salaries may be increased or decreased to the amount fixed by a majority of the members of the general term of the circuit court by written recommendation to the fiscal court of the county, which recommendation shall become effective upon its approval by resolution of the fiscal court.

(b) Reporters of the chancery branch of the court shall be paid salaries in addition to the fees above prescribed, such salaries to be fixed by a majority of the members of the general term of the circuit court by written recommendation to the fiscal court of the county, which recommendation shall become effective upon its approval by resolution of the fiscal court; provided, however, that such salaries may be increased or decreased in the same manner as provided for reporters of the common pleas branch of the court.

(3) For duplicate copies of transcripts, reporters in counties having a population of one hundred fifty thousand or more shall be allowed one-half the amount they are allowed for the original, to be paid for in the same manner as the original.

HB 384: AN ACT relating to the ad valorem tax levy for school purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.475 of the Kentucky Revised Statutes is amended to read as follows:

(1) The ad valorem tax levy for school purposes, other than sinking fund purposes, in each school district other than those within a county containing a city of the second class, shall be not less than twenty-five cents annually on each one hundred dollars of property subject to local taxation nor more than one dollar and fifty cents annually on each one hundred dollars of property subject to local taxation.

(2) The ad valorem tax levy for school purposes, other than sinking fund purposes, in each school district within a county containing a city of the second class, shall be not less than twenty-five cents annually on each one hundred dollars of property subject to local taxation nor more than one dollar and sixty-five cents annually on each one hundred dollars of property subject to local taxation.

(3) The board of education of any district may request the levy of a poll tax, not exceeding two dollars on each male inhabitant within the district over twenty-one years of age who is not exempt by law from payment of poll tax.

(4) All existing subdistrict school tax levies, except those required to retire voted bonds, are hereby abolished.

HB 302: AN ACT relating to coroners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.185 of the Kentucky Revised Statutes is amended as follows:

(1) Coroners shall receive out of the county treasury such monthly compensation as the fiscal court of each county shall fix, subject to the following minimums:

	County Population	Monthly Minimum Compensation
(a)	10,000 or less	$ 25.00
(b)	10,001 to 20,000	50.00
(c)	20,001 to 40,000	75.00
(d)	40,000 to 60,000	100.00
(e)	60,001 to 100,000	125.00
(f)	100,001 to 200,000	150.00

(2) Coroners from any county containing a city with a population of 50,000 or more shall receive a supplemental salary from such city at least equal to the minimal monthly salary paid by the county. In addition, any city or the fiscal court of any county may provide monthly compensation for one or more deputy coroners. Such deputy coroners shall be appointed by the coroner and may be removed by the coroner at any time.

(3) The provisions of this section shall not apply to any coroner in office at the time this Act takes effect.

Section 2. Section 72.030 of the Kentucky Revised Statutes is amended to read as follows:

The coroner, upon the request of any responsible citizen or if he has reason to believe the death of a human being within his county was caused by crime, suicide, drowning or other sudden cause, or death occurs without the attendance of a physician at least thirty-six hours prior to death, shall investigate and hold an inquest in the county where death occurs. If death results from violence or accident within one hundred eighty days from the onset, the coroner shall hold an inquest the same as if death occurred immediately.

Section 3. Section 64.180 of the Kentucky Revised Statutes is hereby repealed.

HB 272: AN ACT relating to petty loan companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 288.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every licensee may lend any sum of money not exceeding three hundred dollars, and may charge, contract for, and receive thereon interest at a rate not exceeding two percent per month on any part of the unpaid principal balance of the loan not in excess of one hundred dollars and one and one-half percent per month on any remainder of the unpaid principal balance of the loan.

(2) No amount whatsoever shall be paid, deducted, or received in advance. Interest shall not be compounded and shall be computed only on unpaid principal balances. The maximum interest permitted on loans shall be computed on the basis of the number of days actually elapsed and for the purpose of such computations a month shall be any period of thirty consecutive days. In addition to the interest provided for in this section no further charge or amount whatsoever for any examination, service, brokerage, commission, expense, fee, or bonus or any other thing shall be directly or indirectly charged, contracted for, or received, except the lawful fees actually and necessarily paid out by the licensee to any public official for filing or recording in any public office any instrument securing the loan.

(3) No licensee shall induce or permit any borrower to split up or divide any loan nor permit any one borrower or any husband or wife individually or together to become indebted to him under more than one contract of loan at the same time if the actual amount of the indebtedness on any one of such contracts is in the amount or of the value of three hundred dollars or less and there is charged, contracted for, or received thereon, directly or indirectly, by any

device, subterfuge, or pretense whatsoever, any interest, or consideration therefor greater than six percent per annum.

(4) No licensee shall directly or indirectly charge, contract for or receive any interest or consideration greater than six percent per annum upon any loan in the amount or of the value of more than three hundred dollars, or in any case in which the licensee permits any individual as borrower, endorser, guarantor, or surety for any borrower, or otherwise, to owe directly or contingently, or both, to the licensee at any time the sum of more than three hundred dollars for principal.

HB 428: AN ACT relating to the political rights of employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No employer having regularly in his employ eight or more employes shall make, adopt, or enforce any rule, regulation, or policy forbidding or preventing any of his employes from engaging or participating in politics, or from becoming a candidate for public office. No such employer shall adopt or enforce any rule, regulation, or policy which will control, direct, or tend to control or direct the political activities or affiliations of his employes, or coerce or influence, or attempt to coerce or influence any of his employes by means of threats of discharge or of loss of employment in case such employes should support or become affiliated with any particular political faction or organization, or participate in political activities of any nature or character.

Section 2. Any individual person violating the provisions of this Section shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not more than six months, or both; and any firm, corporation or association violating the provisions of this Section shall be fined not less than five hundred dollars nor more than two thousand dollars. Nothing herein contained shall in any way be construed to prevent the injured employe from recovering damages from the employer as a result of suffering caused by the employer's violation of this Section.

HB 240: AN ACT relating to urban renewal projects and planning, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is hereby found and declared that (1) there exist in communities of the state slum, blighted and deteriorated areas which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the state, and the findings and declarations heretofore made in KRS

99.330 with respect to slum and blighted areas are hereby affirmed and restated, (2) certain slum, blighted, or deteriorated areas, or portions thereof, may require acquisition and clearance, as provided in this Act, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation rehabilitation, but other areas or portions thereof may, through the means provided in KRS 99.330 to 99.510 and this Act, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented, and to the extent feasible salvable slum and blighted areas should be conserved and rehabilitated through voluntary action and the regulatory process, and (3) all powers conferred by KRS 99.330 to 99.510 and this Act, are for public uses and purposes for which public money may be expended and such other powers exercised, and the necessity in the public interest for the provisions of KRS 99.330 to 99.510 and this Act, is hereby declared as a matter of legislative determination. A community, to the greatest extent it determines to be feasible in carrying out the provisions of KRS 99.330 to 99.510 and this Act, shall afford maximum opportunity, consistent with the sound needs of the community as a whole, to the rehabilitation or redevelopment of areas by private enterprise.

Section 2. In addition to its authority under KRS 99,330 to 99.510 an agency is hereby authorized to plan and undertake urban renewal projects. As used in this Act, an urban renewal project may include undertakings and activities for the elimination (and for the prevention of the development or spread) of slums or blighted, deteriorated, or deteriorating areas and may involve any work or undertaking for such purpose constituting a redevelopment project or any rehabilitation or conservation work, or any combination of such undertaking or work. For this purpose, 'rehabilitation or conservation work' may include (1) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; (2) acquisition of real property and demolition, removal, or rehabilitation of buildings and improvements thereon where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (3) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the urban renewal project; and (4) the disposition, for uses in accordance with the objectives of the urban renewal project, of any property or part thereof acquired in the area of such project; provided that such disposition shall be in the manner prescribed in KRS 99.450 for the disposition of property in a redevelopment project area.

Section 3. Any urban renewal project undertaken pursuant to the preceding section shall be undertaken in accordance with an urban renewal plan for the area of the project. As used in this Act, an 'urban renewal plan' means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general or master plan for the community as a whole; and (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the area of the urban renewal project, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements. An urban renewal plan shall be prepared and approved pursuant to the same procedure as provided in this Act with respect to a development plan.

Section 4. An agency shall have all the powers necessary or convenient to undertake and carry out urban renewal plans and urban renewal projects, including the authority to acquire and dispose of property, to issue bonds and other obligations, to borrow and accept grants from the Federal Government or other source and to exercise the other powers which KRS 99.330 to 99.510 confer on an agency with respect to redevelopment projects. In connection with the planning and undertaking of any urban renewal plan or urban renewal project, the agency, the community, and all public and private officers, agencies, and bodies shall have all the rights, powers, privileges, and immunities which they have with respect to a development plan or redevelopment project, in the same manner as though all of the provisions of KRS 99.330 to 99.510 applicable to a development plan or redevelopment project were applicable to an urban renewal plan or urban renewal project; provided that for such purpose the word 'redevelopment' as used in KRS 99.330 to 99.510 and this Act (except in this section and in the definition of 'redevelopment project' in KRS 99.340 (7) shall mean 'urban renewal', the words 'slum area' and the words 'blighted area' as used in this Act (except in this section and in the definitions in KRS 99.340 (1) and 99.340 (2) shall mean 'blighted, deteriorated, or deteriorating area', and the finding prescribed in KRS 99.370 (6) with respect to a slum area or blighted area shall not be required; and provided further that this section shall not change the corporate name of the agency or amend any section of KRS 99.330 to 99.510. In addition to the surveys and plans which an agency is otherwise authorized to make, an agency is hereby specifically authorized to make (1) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and (2) plans for the enforcement of laws, codes, and regulations relating to the use of lands and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements. The agency is authorized to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the demolition of slums and urban blight.

Section 5. Any community or other public body is hereby authorized (without limiting any provision in the preceding section) to do any and all things necessary to aid and cooperate in the planning and undertaking of an urban renewal project in the area in which such community or public body is authorized to act, including the furnishing of such financial and other assistance as the community or public body is authorized by KRS 99.330 to 99.510 to furnish for or in connection with a redevelopment plan or redevelopment project. An agency is hereby authorized to delegate to a community or other public body any of the powers or functions of the agency with respect to the planning or undertaking of an urban renewal project in the area in which such community or public body is authorized to act, and such community or public body is hereby authorized to carry out or perform such powers or functions for the agency. Any public body is hereby authorized to enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with any other public body or bodies respecting action to be taken pursuant to any of the powers granted by KRS 99.330 to 99.510 and this Act, including the furnishing of funds or other assistance in connection with an urban renewal plan or urban renewal project.

Section 6. The governing body of the community, or such public officer or public body as it may designate, is hereby authorized to prepare a workable program (which may include an official plan of action, as it exists from time to time for effectively dealing with the problem of urban slums and blighted, deteriorated, or deteriorating areas within the community and for the establishment and preservation of a well-planned community with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life) for utilizing appropriate private and public resources to eliminate, and prevent the development or spread of, slums and urban blight and deterioration, to encourage needed urban rehabilitation, to provide for the redevelopment of blighted, deteriorated, or slum areas, or to undertake such of the aforesaid activities or other feasible activities as may be suitably employed to achieve the objectives of such a program.

Section 7. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any persons or circumstances, is held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 8. The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law.

Section 9. Section 99.420 of the Kentucky Revised Statutes is amended to read as follows:

Whenever in the opinion of the agency, land or other property, or right of way or easement over or through any property is needed by the agency in order to accomplish the purpose of KRS 99.330 to 99.510, it may by resolution, reciting the need for such acquisition, authorize the purchase or condemnation in the name of the agency, of said land or other property, or right of way or easement necessary for such purpose, and may proceed to condemn and acquire such property in the following manner:

(1) The proceedings for condemnation shall be in the circuit court of the county in which the greater part of the property sought to be condemned lies, and shall be conducted in the name of the agency. Proceedings shall be commenced by filing a petition against all persons having an interest in the property, describing the property, right of way or easement sought to be condemned, upon which summons shall be issued and proceedings carried on as nearly as may be as ordinary actions at law are conducted. Nonresidents and persons under disability shall be proceeded against as provided by the Rules of Civil Procedure. The owners of two or more different properties sought to be condemned for the same purpose may be proceeded against in a single action, or the owners of any piece of property may be proceeded against in a separate action.

(2) At any time after the filing of the petition, the agency may apply to the circuit court, or to the judge thereof if the court is in vacation, to appoint commissioners to assess the damages which the owners of the property, right of way or easement to be condemned may be entitled to receive. The court or judge shall then appoint three disinterested, impartial housekeepers of the county who are owners of land, and who shall be sworn to faithfully and impartially discharge their duties. If the appointment is made by the judge in vacation, it shall be by written order, which shall be filed with the petition in the case and may be entered of record at any subsequent term of the court, upon motion of any proper party.

(3) The commissioners shall, as early as practicable, view the property, right of way or easement proposed to be condemned, and award to the owner the value thereof. They shall also award to the owner any incidental damages resulting to his adjacent lands, considering the purposes for which it is taken, but they shall deduct

from the incidental damages the value of any advantages and benefits that will accrue to such adjacent lands from the proper use of the property, right of way or easement for the purposes and uses intended. They shall return a report in writing to the office of the clerk of the circuit court, stating their award and showing separately the amount allowed for the value of the property, right of way or easement to be condemned and taken, the amount allowed for incidental damages to adjacent lands and the amount deducted for advantages and benefits to the adjacent lands. They shall make a separate report as to each separately owned parcel of property.

(4) Immediately after the commissioners have filed said report the judge of the circuit court shall by an interlocutory judgment grant and award to the community immediate possession and full and complete use and control of said land or other property and the agency shall thereupon be entitled to take possession thereof and to use and control the same for the purpose for which it is being condemned as fully as if the title had been conveyed to it; however, prior to the rendition of the interlocutory judgment, the agency shall be required to pay into court the sum awarded by the commissioners in their report concerning such land or property, or right of way or easement. The court shall, after having rendered said interlocutory judgment, upon motion by the agency, make such orders as may be necessary and proper for the conveyance of such land or other property or property rights to the agency, vesting in the agency the title to the land or other property described in such condemnation proceeding, and shall cause its commissioner or a special commissioner appointed by the court to execute and deliver to the agency a deed of conveyance therefor, which deed shall be executed as nearly as practicable in accordance with the rules governing the conveyance of property by commissioners when sold under order of court.

(5) The commissioners may report at any time after summons has been duly issued or warning order attorney appointed. Thereafter, either party may, before answer is due, file written exceptions to said report, except that the agency's exceptions, if any, shall be made and filed prior to the entry of said interlocutory judgment. If the exceptions are based on the ground that the damages awarded are too small or too great, the exceptions must be accompanied by an affidavit of the party stating the amount of damages that he believes would be just and reasonable, and be supported by the affidavits of two disinterested persons stating that the amount claimed by the excepting party would be just and reasonable. The difference between the damages awarded and the amount that the excepting party claims would be just and reasonable shall be deemed the amount in controversy for the purposes of appeal. Exceptions or defenses for nonresidents and persons under disability may be filed by any person authorized to make

defense for such persons under the Rules of Civil Procedure. The court may, for proper cause, extend the time for filing exceptions and it may require the parties to plead to an issue of fact to be submitted to a jury according to the course of the common law. The sum not in controversy shall be paid or tendered to the parties defendant by the court prior to the entry of said interlocutory judgment.

(6) It is further provided that before rendering the interlocutory judgment, the court shall require the agency to execute a bond, with surety to be approved by the court, conditioned upon the agency paying to the parties defendant the difference between the sum paid into court and that which may thereafter be finally determined to be the value of the property or property rights and incidental damages, if any, if the parties defendant except to the report of the commissioners, unless the agency shall have sufficient funds duly appropriated, properly allocated to that purpose, and on deposit to pay any money judgments, including all costs adjudged against the agency, that may thereafter be rendered against it, and such fact or facts shall be alleged in its petition for condemnation.

(7) When exceptions have been filed by either party, and all parties have been properly summoned and are before the court and the issues made up, the circuit court shall forthwith cause the case to be docketed for trial by a jury as other common law cases are tried, and it shall, upon motion of either party, give the case preference over other common law cases on the docket. In assessing damages the jury shall be governed by the rule prescribed for making the commissioners' report, and the court shall so instruct the jury. Upon request of either party the jury may be sent by the court, in charge of the sheriff, to view the property, right of way or easement sought to be condemned.

(8) If more than one piece of property is involved, owned by different persons, the jury shall render a separate verdict as to the property of each person, or the court may direct a separate trial for each piece of property owned by different persons. If the verdict of the jury is more favorable to the party excepting the award of the commissioners, the additional costs accrued by reason of the filing of exceptions and subsequent proceedings shall be taxed against the other party, otherwise such additional costs shall be taxed against the party excepting. In either event the agency shall pay all costs of the proceedings other than the additional costs incurred by reason of filing exceptions.

(9) An appeal may be taken by either party in interest from the circuit court to the Court of Appeals in the manner, for any of the causes and subject to the rules provided by general laws regarding appeals from circuit court to the Court of Appeals, but no appeal or supersedeas shall suspend the right of the agency

to have possession of the property, easement or right of way condemned.

Section 10. Section 99.490 of the Kentucky Revised Statutes is amended to read as follows:

If the council within its discretion finds and determines that it would be more efficient and in the public interest for the powers, functions, and duties of an agency to be exercised by the community or the housing commission of the community, such community or housing commission shall have all of the powers, functions, rights, duties and privileges (subject to the limitations thereon) of an agency under KRS 99.330 to 99.510, and any powers of a public body (including a community) to assist an agency or a project thereof, may be exercised to assist such community or housing commission or the project thereof. For such purposes, the term "agency," as used in KRS 99.330 to 99.510, shall mean the housing commission or the city or county, as the case may be, unless a different meaning clearly appears from the context. If a community has, pursuant to this section, determined to exercise the powers, functions, and duties of an agency, it may delegate any of them to a department or departments of such community, or may create a special department to exercise the powers and perform the functions and duties of an agency; provided that no such department or departments shall have the power to issue the bonds or acquire title to real property, this power being reserved to the community. Bonds issued by the community or by the housing commission of the community for any purposes under this Act may be revenue bonds.

Section 11. Whereas, a number of communities within the Commonwealth have an urgent need to undertake urban renewal planning at the earliest possible date, an emergency is hereby declared to exist and this Act shall take effect upon its passage and approval by the Governor.

HB 403: AN ACT relating to Vocational Education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Sections 163.010, 163.035, 163.060, and 163.080 of the Kentucky Revised Statutes are repealed.

Section 2. Section 163.020 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

This state accepts and agrees to comply with all the provisions of the Acts of Congress of the United States approved February 23, 1917, and all subsequent acts relating to Vocational Education as defined herein, the purpose of which is to provide training, develop skills, abilities, understanding, attitudes, work habits, and appreciation, and to impart knowledge and information needed by workers to enter into and make progress in their chosen vocations. These training opportunities should be provided for the young people who are enrolled in the regular day schools and, also, for out-of-school youth and adults, both employed and unemployed, who are in need of and can profit by vocational training.

Section 3. Section 163.030 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

The State Board of Education is vested with the authority to carry out the purposes of the program of Vocational Education and the provisions of the Acts of Congress accepted by KRS 163.020, and is given all the necessary power and authority in administering Vocational Education and carrying out the provisions of the acts relating thereto.

Section 4. Section 163.040 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

The money appropriated by the General Assembly of the Commonwealth of Kentucky and by the Acts of Congress of the United States and any other available funds shall be accepted and expended in accordance with law, policies, and rules and regulations of the State Board of Education and in accordance with Federal laws, rules and regulations.

Section 5. Section 163.050 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

(1) The Superintendent of Public Instruction shall have general supervision of all assistants, agents and employees. He shall appoint and set the salary of all division heads, assistants, agents and employees, but the appointment and dismissal of all division heads and other professional staff members shall be with the approval of the State Board of Education.

(2) The division heads, assistants, agents and employees shall be reimbursed for necessary traveling expenses incurred in the performance of their official duties, and no part of the reimbursement shall be included in or accounted as a part of their salaries.

(3) The State Board of Education, on the recommendation of the Superintendent of Public Instruction, may make such rules and regulations as it deems necessary for the effective carrying out of the provisions of this act. The rules and regulations shall be published, and the State Board of Education, on the recommendation of the Superintendent of Public Instruction, may prepare and print such courses of study and make such reports as it deems necessary for the carrying out of the provisions of all Federal acts accepted by authority of KRS 163.020.

HB 366: AN ACT relating to motor vehicle usage tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 138.470 of the Kentucky Revised Statutes is amended to read as follows:

There is expressly exempted from the tax imposed by KRS 138.460:

(1) Motor vehicles sold to the United States, to this state, to any city or other political subdivision of this state, or to any charitable, religious or educational institution of this state.

(2) Used motor vehicles registered or licensed in this state during the same or immediately preceding license period.

(3) Motor vehicles owned by a person bona fide domiciled in another state and used and licensed in that state by the owner during the same or immediately preceding license period.

(4) Motor vehicles upon which the tax imposed by KRS 281.810, 281.813 or 281.815 is paid, except taxicabs and U-Drive-It passenger cars. The owner shall be required to exhibit the tax receipt for such taxes for the same or immediately preceding license period.

HB 91: AN ACT relating to the operation of motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person who drives any motor vehicle upon a highway in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving.

Section 2. Any person who is guilty of reckless driving shall be punished by imprisonment in the county jail for not less than sixty nor more than one hundred eighty days or by fine of not less than two hundred nor more than four hundred dollars.

HB 365: AN ACT relating to occupational license taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 137.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in KRS 137.020 and 137.030, unless the context requires otherwise:

(a) "Carnival or circus" means shows in two or more tents, rides or concessions, or combinations of two or more shows, rides, concessions and stands connected therewith for profit.

(b) "Trucks, baggage and railroad cars" means any truck, baggage car or railroad car when wholly or partly loaded with tent show equipment, concessions, or amusement riding device outfits, attached to or traveling with any carnival or circus.

(2) As used in KRS 137.040 to 137.110, unless the context otherwise requires:

(a) "Restaurant" means and includes all places or establishments in which hot food or hot drink, or both, is served to the general public.

(b) "Soft drinks" means any beverage of less than one-half of one percent alcohol, whether bottled or from a fountain.

(c) "Theater" means any building in which moving pictures, vaudeville, musical entertainment, or plays are regularly given. Open air or drive-in theaters are to be considered theaters for the purposes of this chapter.

(d) "Tobacco products" means and includes such things as cigarettes, snuff, cigars, smoking tobacco and chewing tobacco, by whatever name called, but does not include nicotine or any byproduct of tobacco that is used for medicinal, chemical or manufacturing purposes.

(3) As used in KRS 137.340 to 137.410 and in subsection (7) of 137.990, unless the context requires otherwise:

(a) "Coin machine" or "coin-operated amusement and vending machine" shall mean and include any lawful coin or token operated machine or device which contains no element of chance and which as a result of depositing a coin, token or other object automatically by or through some mechanical operation affords music or amusement of some character with or without vending any merchandise, but in addition to any such merchandise. Such coin-operated amusement and vending machine shall not include any bona fide merchandise vending machine in which there is incorporated no amusement features.

(b) "Token" shall include chips, checks or other articles which may be used to operate a coin machine.

(c) "Department" shall mean the Department of Revenue.

(d) "License stamp" shall mean any permanently fixed stamp evidencing payment of the tax, and prescribed by regulation of the department.

(e) "Person" shall include an individual or an unincorporated association, including a partnership, a limited partnership, or any other form of unincorporated enterprise owned by two or more individuals, or a corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person," as applied to a partnership, limited partnership, or any form of unincorporated enterprise, shall mean the partners of members thereof, and as applied to corporations, the officers thereof.

(f) "Itinerant operator" means any person who shall engage in any of the occupations or sell any of the articles or exercise any of the privileges named in KRS 137.050 to 137.110 for a period not exceeding ten consecutive days in any one county.

Section 2. Section 137.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall engage in any of the occupations or sell any of the articles or exercise any of the privileges named in KRS

137.050 to 137.110 until he has paid to the county clerk of the county in which he is engaged in such occupation or in selling such articles or in exercising such privileges the license tax prescribed in KRS 137.050 to 137.110 and obtained the license therefor.

(2) No provision of this section shall be construed as placing a license tax upon an itinerant operator who has first paid the license tax and obtained a license from the clerk of the county in which he was first engaged in such occupation or in selling such articles or in exercising such privilege.

(3) This section and KRS 137.050 shall not be construed to impose a tax on any county, or community fair association or corporation or similar enterprise or upon the agent or concessionaire of any such association or corporation operating within the grounds or rooms devoted to a festival or fair of any such association or corporation which shall engage in any of the occupations or sell any of the articles or exercise any of the privileges named in KRS 137.050 to 137.110 for a period of not exceeding one week in any calendar year without profit to the members or stockholders or to any other person connected with such association or corporation. This exemption shall not be construed to permit such association, corporation or similar enterprise to possess cigarettes in packages, boxes or retail containers upon which the tax provided in KRS 138.140 has not been paid.

Section 3. Section 137.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) For the privilege of possessing in this state cigarettes upon which the state cigarette tax has not been paid and the state tax stamps not affixed to the package, box or container, as required by KRS 138.130 to 138.200, or for the privilege of selling in this state to another person for resale in this state cigarettes upon which the state cigarette tax has been paid, there is imposed a license fee of twenty-five dollars per annum. "Possessing" as used in this susection does not include the transportation of cigarettes in interstate commerce nor a temporary holding in good faith by a transportation agency prior to shipping out of the state or prior to delivery to consignee or his agent, but it does include possession for purposes of sale, gift or use within the state after the interstate journey is ended.

(2) For each restaurant serving meals, a license fee of ten dollars per annum is imposed.

(3) For each retail outlet of soft drinks or ice cream, a license fee of five dollars per annum is imposed. In cases where ice cream and soft drinks are sold by the same retail outlet, one license tax of ten dollars per annum only shall be charged.

(4) For each theater, a license fee of twenty cents per seat per annum is imposed, the minimum charge to be ten dollars per annum. In case of open air or drive-in theaters, each parking space for vehicle from which the performance may be viewed, shall be

construed as the equivalent of two seats in calculating the license fee under this section. This subsection shall not apply to chautauquas or fairs, or to buildings owned or operated by religious, educational or charitable organizations in which public exhibitions or performances are given by such organizations, but it shall apply when nonreligious, noneducational or noncharitable organizations or person use such buildings. It shall not apply to any building or open air theater with a seating capacity of not more than one hundred twenty-five (125) persons at such time as such building or theater is used temporarily by an itinerate operator for the purpose of showing motion pictures or slides by means of a portable projector, provided such operator has already paid a license fee for one location during the license period in which he is currently operating.

(5) For each billiard or pool table or bowling alley, irrespective of size, where a fee is charged and collected, directly or indirectly, a license fee of thirty dollars per annum for the first table or alley and five dollars per annum for each additional table or alley is imposed.

(6) For each place where tobacco products are sold at retail, a license fee of ten dollars per annum is imposed.

Section 4. Section 137.060 of the Kentucky Revised Statutes is amended to read as follows:

Any person who engages in any of the businesses or exercises any of the privileges mentioned in subsections (1), (2), (3) and (6) of KRS 137.050 from a wagon, push cart, motor vehicle or other similar contrivance in which the articles named in those subsections are transported from place to place and sold therefrom shall procure a license from the county clerk in the first county where the business is to be conducted or the privilege exercised for each vehicle or contrivance so used. Notwithstanding the provisions of KRS 137.090 and 137.100, the license shall give an apt description of the vehicle or contrivance from which the business is to be conducted or the privilege exercised. Whenever any person to whom a license referred to in subsections (1), (2), (3) and (6) of KRS 137.050 has been granted and who has paid the required license tax thereon shall change the vehicle, or contrivance for which the license was originally granted, the county clerk may amend the license in accordance with regulations of the Department of Revenue to permit the continued operation of the business. For this amendment, the county clerk shall receive a fee of twenty-five cents from the licensee.

HB 362: AN ACT concerning the economic and social welfare of individuals, including needy, neglected, dependent and delinquent children, and the organization, functions and duties of certain governmental units and agencies with respect thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 195.020 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

195.020 FUNCTIONS OF DEPARTMENT; TRANSFER OF FUNCTIONS OF OTHER AGENCIES.

(1) The department shall exercise all functions of the state in relation to:

(a) Administration and supervision of state unemployment insurance.

(b) Administration and supervision of state employment offices.

(c) Administration and supervision of all forms of public assistance including general home relief, outdoor and indoor care for persons in need, old age assistance, aid to dependent children, and aid to the blind and otherwise handicapped.

(d) Administration and supervision of services to needy, neglected and dependent children, including adoptions.

(2) All administrative functions of the nature outlined above, heretofore performed by other agencies of the state, are hereby transferred to and shall hereafter be performed by the Department of Economic Security.

Section 2. Section 195.030 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

195.030 BUREAUS AND DIVISIONS; TRANSFER OF OTHER AGENCIES TO DEPARTMENT.

(1) The department shall be divided into the following administrative bureaus and divisions:

(a) A Bureau of Employment Security which shall be divided into:

1. A Division of Unemployment Insurance; and

2. A Division of Employment Service.

(b) A Bureau of Social Services which shall be divided into:

1. A Division of Public Assistance; and

2. A Division of Children's Services.

(c) Such other bureaus, divisions, or combinations of existing bureaus, divisions, or agencies as the commissioner may from time to time prescribe in accordance with KRS 12.030, and to which he may assign duties, functions and responsibilities.

(2) The Governor may, by executive order, transfer any bureau, division or agency of the state government to the Department

of Economic Security for the purpose of economy, efficiency and improved administration.

Section 3. Section 195.050 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

195.050 BUREAU OF SOCIAL SERVICES.

(1) The Bureau of Social Services shall be headed by an executive director. The executive director, with the prior approval of the commissioner, is authorized to integrate and combine the functions and duties of the divisions within such bureau insofar as he considers such integration and combination economical and practical for the proper and efficient administration of the bureau.

(2) The Division of Public Assistance and the Division of Children's Services, as established, shall constitute the Bureau of Social Services.

Section 4. Section 195.080 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

195.080 PURPOSE OF KRS CHAPTER 195; REPEAL OF OTHER LAWS. It is the purpose of KRS Chapter 195 to provide a unified, integrated, and comprehensive plan or organization of those services, functions and duties relating to Unemployment Insurance, Employment Service, Public Assistance, and Children's Service, including adoptions, under the direction, supervision and control of the Commissioner of Economic Security. All laws or parts of laws in conflict with KRS Chapter 195 are hereby repealed to the extent of such conflict.

Section 5. Section 195.090 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

195.090 TRANSFER OF APPROPRIATIONS AND ALLOCATIONS. Any appropriation or allocation of federal or state funds heretofore or hereafter made to any of the bureaus, divisions, commissions or agencies that are now vested in the Department of Economic Security, or any such appropriation heretofore or hereafter made for the functions, personnel, properties or facilities of any bureaus, divisions, commissions or agencies now vested in the Department of Economic Security under KRS Chapter 195, shall be transferred to and be deemed to be appropriated or allocated to the Department of Economic Security and the appropriate divisions therein.

Section 6. Section 196.030 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

196.030 FUNCTIONS OF DEPARTMENT.

(1) The department shall, unless otherwise provided by law, exercise all functions of the state in relation to:

(a) Management of penal, reform and correctional institutions;

(b) Control and management of state institutions for children;

(c) Management of state institutions for feeble-minded persons;

(d) Supervision of probation and parole;

(e) Supervision of juvenile probation;

(f) Control and care of feeble-minded persons committed to the department;

(g) Operating a laboratory of criminal identification and statistics;

(h) The giving of assistance to other departments, agencies and institutions of the state and federal government when requested by performing services in conformity with this section;

(i) Acting as the agent of the federal government in matters of mutual concern, and in the administration of any federal funds granted to the state to aid in the performance of any function of this department.

(2) The provisions of this section shall not apply to any institution, home or agency which does not receive aid from the state, or a county or municipality.

Section 7. Section 196.040 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

196.040 DIVISIONS OF DEPARTMENT.

(1) The department shall be divided into:

(a) A Division of Corrections, headed by a director who is thoroughly trained and experienced in penology and prison management;

(b) A Division of Probation and Parole, headed by a director who is thoroughly trained and experienced in probation and parole work;

(c) A division to be known as the Youth Authority, headed by a director who is trained and experienced in the treatment and rehabilitation of children committed to public care.

(2) The divisions shall be under the direction of the Commissioner of Welfare.

Section 8. A new section of the Kentucky Revised Statutes is created to read as follows:

The Commissioner of the Department of Welfare shall have the power and authority to adopt, amend or rescind such rules and regulations as he deems necessary or suitable for the proper administration of the functions of the Department or any division therein, including qualification for the receipt of federal funds and for cooperation with other state and federal agencies. The commissioner is authorized, subject to the provisions of KRS Chapters 12, 42 and 45, to appoint, fix the compensation and prescribe the duties and powers of such officers and employees as may be necessary in the performance of his duties. The commissioner may delegate to any such person appointed such power and authority as he deems reasonable and proper for the effective administration of the department.

Section 9. Section 199.011 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

199.011 DEFINITIONS. As used in this Act and KRS Chapter 199, unless the context otherwise requires:

(1) "Commissioner" means Commissioner of Economic Security;

(2) "Department" means the Department of Economic Security;

(3) "Division" means the Division of Children's Services in the Department of Economic Security;

(4) "Child" means any person who has not reached his eighteenth birthday;

(5) "Neglected or dependent child" means any child who is under such improper parental care and control or guardianship as to injure or endanger the morals, health or welfare of himself or others;

(6) "Abandoned child" means any child who by reason of the desertion of his parents or guardian is in destitute circumstances;

(7) "Child-caring institution or agency" means any agency or institution, other than a state institution or one operated primarily for education or medical purposes, in which four or more children, not related by blood, adoption or marriage to the person maintaining the institution, are cared for and maintained in residence for compensation or otherwise;

(8) "Child-placing institution or agency" means any agency or institution other than a state agency which arranges for the placement of children in child-caring homes or child-caring institutions, or which arranges for the placement of children for adoption;

(9) "Child welfare worker" means any employe of the department designated as such by the commissioner or social worker employed by a county or city who has been approved by the department to handle, under its supervision, services to children.

Section 10. Section 199.350 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

199.350 IMPORTATION OF DEPENDENT CHILDREN.

(1) No person or institution shall bring or send, or cause to be brought or sent, a dependent child into this state from another state for the purpose of placing him in a family home, either with or without indenture or for adoption, without first filing a ten thousand dollar bond with the county judge of the county in which the child is to be placed.

(2) The bond shall be conditioned as follows:

(a) That they will not bring or send, or cause to be brought or sent, into this state any child that is incorrigible or of unsound mind or body or who has any contagious or incurable disease;

(b) That they will immediately, upon placing the child, report to the department the name and age of the child, and the name and residence of the person with whom it is placed;

(c) That if the child becomes a public charge before reaching its majority, they will, within thirty days after receiving written notice of such fact from the department, remove the child from the state;

(d) That if the child is convicted of a crime or misdemeanor and is imprisoned, within five years of the time of its arrival, they will remove the child from the state immediately upon its release;

(e) That they will place each dependent child by written contract with a person who will furnish the child a proper home, and will make the person receiving the child responsible for its proper care, education and training;

(f) That they will properly supervise the care and training of the child, and visit each child at least once a year;

(g) That they will make such reports to the department as the department requires.

Section 11. Section 199.370 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

199.370 RELATIVES EXCEPTED FROM REGULATIONS REGARDING IMPORTATION; WAIVER. The provisions of KRS 199.350 shall not apply to a relative going to any other state and bringing a child into this state for the purpose of giving it a home in his own family, and may be waived by the department for any child brought into the state under the supervision of the division or licensed child-caring or child-placing institution or agency by written agreement with the responsible state agency of the other state.

Section 12. Section 199.510 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

199.510 INVESTIGATION AND REPORT.

(1) Upon filing a petition for the adoption of a minor child, the clerk of the court shall forward two copies of the petition to the department. The department, or any person, agency or institution designated by it or the court shall, to the extent of available facilities, investigate and report in writing to the court;

(a) Whether the contents of the petition required by KRS 199.490 are true;

(b) Whether the proposed adoptive parents are financially able and morally fit to have the care, custody and training of the child; and

(c) Whether the adoption is to the best interest of the child and the child is suitable for adoption.

(2) The report of the department or the designated person, agency or institution shall be filed with the court as soon as prac-

ticable but not later than ninety days after the filing date of the petition unless for good cause the court by written order extends the period of time for filing the report. If the department or the designated persons, agency or institution is unable to make the report, it shall within ten (10) days of receipt of the petition notify the court of its inability to conduct the investigation, and the court may designate some other person, agency or institution to make the necessary investigation. If the court designates some other person, agency or institution, the clerk shall forward one copy of the petition to such person, agency or institution and shall notify the department of such other designation at the time he forwards the petition to the department.

(3) If the department is a party defendant, its report, if it files no other pleadings, shall be considered its answer to the petition.

(4) The clerk's fee for copying and forwarding the copies of the petitions required by this section shall be taxed as a cost of the action.

Section 13. A new section of the Kentucky Revised Statutes is created to read as follows:

HEARING; NOTICE. After the report of the guardian ad litem, if any, for the child and the report required by section 12 of this Act have been filed, the court at any time on motion of its own or that of any interested party may set a time for a hearing on the petition to be conducted in chambers in privacy, except as hereinafter provided. Notice of the hearing shall be given to all necessary parties at least ten (10) days in advance thereof, unless such parties shall have answered and agreed to the adoption or have failed to answer and the time for answering has expired, or shall have waived notice of the hearing.

All necessary parties may be present and at least one of the adopting parents and the guardian ad litem, if any, for the child must be present at the hearing.

Section 14. Section 199.520 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

199.520 JUDGMENT; PREREQUISITES; ORDER; NAME AND LEGAL STATUS OF CHILD.

(1) After hearing the case the court shall enter a Judgment of Adoption, if it finds that the facts stated in the petition were established; that all legal requirements, including jurisdiction, relating to the adoption have been complied with; that the petitioners are of good moral character, of reputable standing in the community and of ability to properly maintain and educate the child, and that the best interest of the child will be promoted by the adoption and that the child is suitable for adoption.

In the judgment the name of the child shall be changed to conform with the prayer of the petition. The judgment and all orders required to be entered and recorded in the order book, including the caption, shall contain only the names of the petitioners and the proposed adopted name of the child, without any reference whatsoever to its former name or the names of its birth parents.

(2) From and after the date of the judgment the child shall be deemed the child of petitioners and shall be considered for purposes of inheritance and succession and for all other legal considerations, the natural, legitimate child of the parents adopting it the same as if born of their bodies.

Except where a natural parent is the spouse of an adoptive parent an adopted child from the time of adoption shall have no legal relationship to its birth parents in respect to either personal or property rights.

(3) The clerk of the court shall notify the department of any action of the court with respect to entering a judgment granting an adoption, the amendment of an adoption, or the denial or dismissal of a petition for adoption.

Section 15. Section 199.530 of the Kentucky Revised Statutes is hereby repealed.

Section 16. Section 199.570 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

199.570 ADOPTION RECORDS CONFIDENTIAL; NEW BIRTH CERTIFICATE.

(1) The files and records of the court during adoption proceedings shall not be open to inspection by persons other than parties to such proceedings, their attorneys, and representatives of the department except under order of the court expressly permitting inspection. Upon the entry of the final order in the case, the clerk shall place all papers and records in the case in a suitable envelope which shall be sealed and shall not be open for inspection by any person except on written order of the court. No person having charge of any adoption records shall disclose the names of any parties appearing in such records or furnish any copy of any such records, except upon order of the court which entered the judgment of adoption. The clerk of the circuit court shall set up a separate docket and order book for adoption cases and these files and records shall be kept locked.

(2) After entry of the adoption judgment, the clerk of the circuit court shall promptly report to the Division of Vital Statistics of Kentucky full information as called for on forms furnished by the Division of Vital Statistics, necessary to make a new birth certificate conforming to the standard birth certificate form. Upon receipt of this information, the Division of Vital Statistics shall cause to be made a new record of the birth and it shall be filed with the

original certificate, and the original certificate shall be stamped with the words, "CONFIDENTIAL–subject to copy of inspection only on written order of court."

(3) The new certificate shall set forth the new name, if any, of the adopted child, the names of the adoptive parents and such other information deemed necessary in accordance with rules and regulations promulgated by the Division of Vital Statistics in the issuing of birth certificates. If the adopted child is under eighteen years of age, the birth certificate shall not contain any information revealing the child is adopted and shall show the adoptive parent or parents as the natural parent or parents of the child. If no birth certificate is on file for a child born in Kentucky or another state, the Division of Vital Statistics shall prepare a certificate of birth in accordance with the regular procedure for issuing the birth certificate for a child whose original certificate is on file. The Division of Vital Statistics shall furnish to the clerks of the circuit courts the necessary forms to carry out the provisions of this section.

(4) Thereafter when any copy of the certificate of birth of any child is issued it shall be a copy of the new certificate of birth, except when an order of the court granting the judgment of adoption shall request the issuance of the copy of the original certificate of such child's birth.

(5) If any judgment of adoption is reversed, modified or vacated in any particular, the clerk of the circuit court shall notify the department and the Division of Vital Statistics of such reversal or modification and the effect of same, and thereupon such division shall make such changes, if any, in its records as may be necessary by such reversal or modification.

Section 17. Section 200.010 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

200.010 DEFINITIONS.

(1) As used in KRS Chapter 200, unless the context requires otherwise, "Department" means Department of Economic Security.

(2) As used in KRS 200.080 to 200.240, unless the context requires otherwise, "Mother" includes any female person standing in loco parentis to any child under fourteen years of age.

(3) As used in KRS 200.250 to 200.300, unless the context requires otherwise, "Crippled children" includes all physically handicapped children under the age of twenty-one except those whose only infirmity is blindness or deafness.

Section 18. Section 200.110 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

200.110 COMMITMENT; TREATMENT; PAYMENT OF COST.

(1) Any person having charge of a needy, neglected, dependent, delinquent or defective child or any person interested in such

child may call to the attention of the county judge of the county in which the child resides its need, neglect, delinquency or defect, and the county judge may:

(a) Place the child under supervision in his own home or in a suitable family home or boarding home upon such conditions as the court shall determine. A child so placed may be subject to the visitation and supervision of a representative of the department.

(b) Place the child in a child-caring institution or agency of child-placing institution or agency as defined in KRS Chapter 199, willing to accept the child, under such conditions as the court shall deem necessary for the protection, guidance and well-being of the child. Children so placed may be subject to the visitation and supervision of a representative of the department.

(c) Commit the child to the department, except the court may not commit the child to the department unless the department has indicated to the court that it has facilities and funds available to care for the child and is willing to accept the commitment.

(d) Otherwise dispose of the child as may be provided by law.

(2) Any child committed to the department may, at the discretion of the department, be:

(a) Discharged from commitment and returned to the court from which it was committed for further proceedings that appear to be for the best interests of the child.

(b) Placed in the home of his parents or a suitable foster home, family home or boarding home, upon such conditions as the department may prescribe, subject to the visitation and supervision of the department.

(c) Placed in one of the state institutions operated for such children.

(d) Placed in a child-caring institution operated by a local governmental unit or by a private organization willing to receive the child upon such conditions as the department may prescribe, but subject to visitation and supervision of a representative of the department.

(e) Any disposition of a child made under this subsection may at any time during the period of his commitment to the department be changed and other disposition made in accordance herewith.

(3) The court may modify or set aside its order at any time and direct that the child may be disposed of according to law.

Section 19. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The department is authorized and may pay for such care and treatment as it deems necessary for the well-being of any child committed to it, including medical expenses, room and board, clothing, and all other necessities for such children committed to

its care and custody, but only if no similar services are rendered by other agencies.

(2) Where the person having charge of the child is able to pay for the care or treatment or portions thereof, the court shall so direct and in what amounts, and such funds as he is able to pay shall be turned over to the department or the person having custody and care of the child to be applied on the cost of the treatment and care of the child.

Section 20. Section 200.140 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

200.140 COUNTY CHILDREN'S BUREAUS; MEMBERS; TERM; COMPENSATION.

(1) The fiscal court of any county, with the advice and assistance of the department, may establish county children's bureaus. When the fiscal court has authorized the establishment of such bureau, the county judge and the county superintendent of schools shall submit to the department a list of nine persons, or if the county contains a city of the first or second class, fifteen persons, including both men and women. From this list, the department shall recommend three persons, or if the county contains a city of the first or second class, five persons, who shall then be appointed by the county judge and the county superintendent of schools.

(2) The members thus appointed shall constitute a county children's bureau for the county. Both sexes shall be represented in the membership of the bureau. The original members shall serve for one, two and three years respectively, or if five members are appointed, one shall serve for one year, two for two years and two for three years. Thereafter all appointive members shall serve for three years or until their successors have been qualified. The members shall serve without compensation but may be reimbursed by the county for all necessary expenses incurred in the discharge of their official duties. The fiscal court may provide funds for the establishment and maintenance of the county bureau, and each bureau shall have office or desk room in the courthouse at the county seat.

(3) Each year the county bureau shall elect a chairman and a secretary from among its members. Each bureau shall hold an annual meeting and such special meetings as are called by the chairman or requested in writing by a majority of the members.

Section 21. Section 200.220 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

200.220 COUNTY BUREAU TO KEEP CONFIDENTIAL RECORDS.

(1) The county children's bureau shall keep a full record of each applicant for, or recipient of, assistance under KRS 200.080 to 200.240, including the reports of investigations, correspondence

and other pertinent information, together with the orders of the bureau in each case. The names of the beneficiaries or their mothers shall not be published in any newspaper or in any way given publicity.

(2) A full record of the proceedings and transactions of the county bureau shall be kept with the county archives and shall be open for inspection at any time by the members of the fiscal court and by the department or any accredited representative thereof.

Section 22. Section 208.010 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.010 DEFINITIONS. As used in KRS 208.010 to 208.590 and 208.990, unless the context otherwise requires:

(1) "Department" means the Department of Welfare.

(2) "Child" means any person who has not reached his eighteenth birthday.

(3) "Court" means the juvenile session of the county court.

(4) "Youth Authority" means the division of Youth Authority in the Department of Welfare.

Section 23. Section 208.020 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.020

(1) The county court of each county shall have exclusive jurisdiction in proceedings concerning any child living or found within the county that has committed a public offense.

(2) Nothing in KRS 208.010 to 208.590 shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of other causes pending in such other courts; nor shall anything in KRS 208.010 to 208.590 affect the jurisdiction of circuit courts over adoptions and over proceedings for termination of parental rights.

Section 24. Section 208.130 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.130 DETENTION FACILITIES.

(1) The fiscal court of each county shall provide for a suitable facility or facilities for the detention of children held in custody pending disposition of their cases by the juvenile court, and may employ necessary personnel for the operation thereof.

(2) In counties containing a city of the first or second class, the fiscal court shall maintain a permanent detention home, either through arrangement with another public agency or with a private organization or agency, or by acquiring and operating the home as a county institution.

(3) In counties other than those containing a city of the first or second class, the fiscal court shall either maintain a detention home or arrange for the use of private or family homes.

(4) The department may assist the counties in the acquisition, development and furnishing of detention facilities, and may employ available funds for that purpose. The detention facilities may be subject to the supervision of the department, and shall conform to rules and regulations prescribed by the department.

(5) Each detention facility shall be conducted under the jurisdiction of the juvenile court for which it is maintained and each child detained in such facility shall be deemed to be under the jurisdiction of the court.

Section 25. Section 208.140 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.140 INVESTIGATION BEFORE DISPOSITION OF CASE.

(1) Before making disposition of the case of a child brought before the juvenile court, whether by petition pursuant to KRS 208.070 or by reason of having been taken into custody pursuant to KRS 208.110, the judge shall cause an investigation to be made, concerning the nature of the specific act complained of, and any circumstances surrounding the child which throw light on the future care and guidance which should be given the child. The investigation shall include an inquiry into the child's age, habits, school record, general reputation and everything that may pertain to his life and character. The investigation shall also include an inquiry into the home conditions, life and character of the person having custody of the child. The result of the investigation shall be reported in writing to the judge previous to the final hearing of the child's case, and shall become a part of the record of the proceedings.

(2) The investigation shall be conducted by volunteer or salaried probation officers of the juvenile court or by a suitable public or private agency. The department may furnish investigation services under agreements with the individual juvenile courts. For this purpose, any county judge may enter into a contract on behalf of his county with the department for the furnishing of such services.

Section 26. Section 208.170 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.170 PROCEEDINGS AGAINST CHILDREN SUSPECTED OF FELONY.

(1) If, during the course of any proceeding in the juvenile court, it appears that a child before the court has committed a felony, and at the time of commission of the offense the child was sixteent years of age or older, or was less than sixteen years of age but the offense was murder or rape, and the court is of the

opinion that the best interests of the child and of the public require that the child be tried and disposed of under the regular law governing crimes, the court in its discretion may make an order transferring the case to the circuit court of the county in which the offense was committed. No child shall be considered a felon for any purpose until transferred to, tried and convicted of a felony by a circuit court.

(2) When the juvenile court so transfers a case to the circuit court:

(a) If a grand jury considers the case and is satisfied there is sufficient evidence to indict the child, it may either return an indictment or may return a written report to the circuit court recommending that the child be committed to the department. If the court believes that such commitment would be proper, it may order the child committed to the department.

(b) If, during any stage of the trial in the circuit court, the child or his parent or guardian so requests, the judge in his discretion may stop the trial and commit the child to the department.

(c) If neither of the procedures specified in paragraphs (a) and (b) of this subsection are employed, the child shall be tried as any other defendant.

(d) While under the jurisdiction of the circuit court, the child shall be subject to bail the same as an adult.

(e) Any commitment to the department under paragraph (a) or (b) of this subsection shall be for an indeterminate period not to exceed the age of twenty-one.

Section 27. Section 208.180 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.180 DISPOSITION OF CHILD CONVICTED OF FELONY; OR MISDEMEANOR.

(1) If a child tried on a felony charge in the circuit court, under paragraph (c) of subsection (2) of KRS 208.170 is convicted of a felony, and sentenced to imprisonment, he shall be committed to the penitentiary, except that in the case of a child who is under twenty years of age at the time of sentencing, the court in its discretion may commit the child to the department. In such case, if the period of the sentence imposed by the verdict would expire before the child reaches twenty-one years of age, the commitment to the department shall be for an indeterminate period not to exceed th age of twenty-one. If the period of the sentence imposed by the verdict would extend beyond the age of twenty-one, the commitment shall be to the department until the age of twenty-one, and thereafter to the penitentiary. In the latter case, if the child is out on parole at the time he becomes twenty-one, he shall continue to be subject to the parole supervision of the department; however, if the parole is revoked he shall be returned to the penitentiary and shall

thereafter be dealt with the same as an adult sentenced to the penitentiary.

(2) If a child on a felony charge in the circuit court, under paragraph (c) of subsection (2) of KRS 208.170 is convicted of a misdemeanor, and sentenced to imprisonment, he shall be committed to the county jail, except that in the case of a child who is under twenty years of age at the time of sentencing, the court in its discretion may commit the child to the department, for an indeterminate period not to exceed the age of twenty-one years.

Section 28. Section 208.200 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.200 PROBATION OR COMMITMENT OF CHILD CONVICTED OF PUBLIC OFFENSE.

(1) If in its decree the juvenile court finds that the child has committed a public offense, the court may, by order:

(a) Place the child on probation or under supervision in his own home or in a suitable family home or boarding home, upon such conditions as the court shall determine. Probation shall not be ordered or administered as a punishment, but as a measure for the protection, guidance and well-being of the child and his family. A child so placed on probation shall be subject to the visitation and supervision of a probation officer. Probation methods shall be directed to the discovery and correction of the basic causes of maladjustment and to the development of the child's personality and character, with the aid of the social resources of the community. A child so placed on probation shall remain subject to the jurisdiction of the juvenile court until he becomes twenty-one years of age, unless he is discharged prior thereto by the court.

(b) Commit the child to the custody or guardianship of a private or public institution or agency authorized to care for such children, or under the guardianship of a suitable person. Such commitment shall be until the age of twenty-one subject to the power of the court to discharge the child prior thereto. In committing a child to a private institution or agency the court shall select one that is approved by the department and children committed to such an institution or agency shall be subject to the visitation and supervision of a probation officer.

(c) Commit the child to the department. Such commitment shall be for an indeterminate period not to exceed the age of twenty-one.

(2) If a child is disposed of as provided in paragraph (a) or (b) of subsection (1) of this section, the court may modify or set aside its order at any time, and direct that the child be otherwise disposed of in accordance with KRS 208.010 to 208.590.

(3) No adjudication by a juvenile court of this status of any child shall be deemed a conviction, nor shall such adjudication op-

erate to impose any of the civil disabilities ordinarily resulting from a criminal conviction, nor shall any child be found guilty or be deemed a criminal by reason of such adjudication.

Section 29. Section 208.220 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.220 ASSIST JUVENILE COURTS IN PLACING CHILDREN; CONTRIBUTIONS.

The department shall assist the juvenile courts in placing children (who have committed public offenses) in family homes or boarding homes, and, under agreements with the individual juvenile courts, may assume responsibility for making such placements. Counties may pay or contribute towards the expenses of maintaining such children in family homes or boarding homes and, to the extent authorized by the fiscal court, the department may incur obligations chargeable to the county for such expenses.

Section 30. Section 208.260 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.260 GIRLS TO BE ACCOMPANIED BY WOMAN ATTENDANT OR RELATIVE; REPORTS OF VIOLATIONS.

(1) No female child shall be transported to any institution, pursuant to order of any court or direction of the department, unless accompanied by a female attendant, or, when authorized in writing by the court or department, by a parent, grandparent, or adult brother or sister. Any such relative shall not be reimbursed out of public funds for travel or other expenses incurred in so accompanying the child.

(2) The agent of any institution who receives a female transported to the institution shall report any violation of subsection (1) of this section to the Commonwealth's attorney of the judicial district in which the institution is located.

Section 31. Section 208.270 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.270 COMMITMENT ORDER AND INFORMATION TO BE FURNISHED DEPARTMENT.

Whenever any court commits a child to the department or whenever a juvenile court commits a child to any institution or agency, the court shall cause to be transmitted to the department, institution or agency a certified copy of the commitment order, together with a summary of the court's information concerning the child. The child shall be held by virtue of the order, and the certified copy of the order shall be proof of the authority of the department, institution or agency in behalf of the child.

Section 32. Section 208.280 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.280 PARENTS TO CONTRIBUTE TO SUPPORT, MAINTENANCE AND EDUCATION OF CHILD WHEN ABLE. If it appears that the parent of any child who has been placed on probation in a family home or boarding home, or has been committed to the department or to an institution or agency, is able to contribute to the support of the child, the court shall enter an order requiring the parent to pay a reasonable sum from time to time for the support, maintenance or education of the child. The order shall direct that the money be paid to the county clerk to be disbursed as ordered by the court or be paid to the person, institution, agency or department to which the child was committed or probated. On application and on such notice as the court may direct, the court may make alterations in the requirement for contribution. The court may require the parent to give security for payment of the sums due, and shall enforce its orders as in cases of contempt. The enforcement of a sentence imposed on a parent who fails to comply with the order of the court may be suspended at the discretion of the court, but the suspension shall be revoked upon failure of the parent to obey the orders of the court.

Section 33. Section 208.290 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.290 ANNUAL REPORTS BY COUNTY CLERKS. On or before March 1 of each year, each county clerk shall submit to the department a written report showing the number and disposition of children who have committed public offenses that have been brought before the juvenile court during the preceding calendar year, together with such information as the department shall prescribe.

Section 34. Section 208.300 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.300 REPORTS BY PERSONS FOR AUTHORITIES IN CHARGE OF HOMES OR INSTITUTIONS. The person in charge of any home to which a child is probated, and the governing authority of any private institution or agency to which a child is committed, shall make such reports to the juvenile court as the court may require, and such reports as the department may require in the performance of its functions under the law. The department shall have the power to make such visitations and inspections of the homes, institutions and agencies in which children who have committed public offenses have been placed as it deems necessary to carry out its functions under the law.

Section 35. Section 208.320 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.320 CHIEF PROBATION OFFICERS AND ASSISTANTS; VOLUNTEER PROBATION OFFICERS.

(1) In counties containing a city of the first or second class, the county judge may appoint a chief probation officer of the juvenile court and such number of assistant probation officers, professional and clerical personnel as may be authorized by the fiscal court. Such officers shall receive reasonable salaries to be fixed by the fiscal court, and shall be allowed their actual and necessary expenses incurred in the performance of their duties. The salaries and expenses shall be paid out of the county treasury. The officers shall serve at the pleasure of the county judge. The officers shall have the powers of a sheriff in making arrests.

(2) In any county, the county judge may appoint or designate one or more discreet persons of good moral character to serve as volunteer probation officers of the juvenile court. Such officers shall serve during the pleasure of the judge and without compensation, except that the fiscal court may authorize the payment of compensation out of the county treasury to any such officers. Representative of the department may be appointed or designated as such volunteer probation officers, but without compensation from county funds.

(3) If the department deems it necessary, it may appoint a probation officer to cooperate with the court.

Section 36. Section 208.330 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.330 DUTIES OF PROBATION OFFICERS. Probation officers of the juvenile court shall:

(1) Make investigations as provided in KRS 208.140.

(2) Be present in court to represent the interest of the child when the cases investigated by them are heard; furnish such information as may be required; advise with the court as to the proper disposition of the case; and take such charge of the child before and after the hearing as may be ordered.

(3) Visit and supervise children placed on probation, and as far as practicable, aid and encourage such children, by friendly advice and admonition, to keep the terms of their probation, and provide for their rehabilitation.

(4) Make such reports and records as may be required by the court.

(5) Supervise the transfer of children to and from homes or institutions, as directed by the court.

(6) Work in cooperation with the representatives of the department.

Section 37. Section 208.340 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.340 INFORMATION OBTAINED BY PROBATION OFFICERS CONFIDENTIAL.

(1) No probation officer shall without the consent of the county judge, divulge or communicate to any person other than the court, a member of the advisory board of the court, or a representative of the department, any information obtained pursuant to the discharge of his duties, nor shall any record of the actions of the probation officer be made public except by leave of the county judge.

(2) This section shall relieve the probation officer from divulging such facts as a witness on the trial of any case, or the hearing of any proceedings, or the production of such records for use in any trial or proceeding.

Section 38. Section 208.400 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.400 DUTIES OF DEPARTMENT CONCERNING EXISTING INSTITUTIONS AND DEVELOPMENT OF ADDITIONAL FACILITIES. The department shall be responsible for the operation, management and development of the existing state institutional physical facilities for the custodial care or reformation of children, but not including educational institutions or institutions designed primarily for the care or treatment of mentally or physically handicapped children. The department shall further be responsible for the development of such additional institutional physical facilities and other necessary physical facilities, such as forestry camps, farms, or vocational training facilities, as are necessary to provide an adequate and modern program for the care, treatment and rehabilitation of children committed to the state under the juvenile court laws, provided however, that the Kentucky Children's Home shall be used only for the children that come under the care and supervision of the Department of Economic Security.

Section 39. Section 208.410 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.410 PROGRAM OF CARE, TREATMENT AND REHABILITATION OF CHILDREN TO DEPARTMENT. The department shall arrange for a program of care, treatment and rehabilitation of the children committed to it, which program shall be designed to provide for classification, segregation and specialized treatment of children according to their respective problems, needs and characteristics, and to provide a coordinated system of probation and parole services.

Section 40. Section 208.420 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.420 RECEPTION CENTER. The department may establish and operate a reception center for the observation, study and classification of children committed to it. Such children shall upon their commitment be placed in the reception center for a period of observation and study. The reception center shall be provided with adequate psychiatric, psychological, social service and medical facilities. A case history for each child shall be prepared during his period of observation and study in the reception center. Upon the basis of study and observation in the reception center, the department shall make a determination as to the character of treatment or disposition which should initially be provided for the child.

Section 41. Section 208.430 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.430 POWERS OF DEPARTMENT DURING PERIOD OF COMMITMENT.

(1) Any child committed to the department who has committed a public offense may, by the department, at any time during the period of his commitment, be:

(a) Discharged from commitment, unless he was committed by a circuit court upon a felony conviction and was given a sentence the period of which will extend beyond the age of twenty-one;

(b) Placed on parole in the home of his parents, or in a suitable foster home, family home or boarding home, upon such conditions as the department may prescribe and subject to visitation and supervision by a probation officer of the department;

(c) Placed in one of the institutions operated by the department; except the Kentucky Children's Home or a foster home or boarding home that is providing care for needy, neglected or dependent children;

(d) Placed in a child-caring institution operated by a local governmental unit or by a private organization willing to receive the child, upon such conditions as the department may prescribe;

(e) Disposed of as provided in KRS 208.460 or 208.470.

(2) Unless the child has been discharged from commitment, any disposition of a child made under this section may at any time during the period of his commitment be changed and other disposition made in accordance with the provisions of this section.

Section 42. Section 208.440 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.440 RECEIPT AND DISBURSEMENT OF FUNDS FOR BOARD, LODGING AND CARE OF CHILDREN ON PROBATION; DEPARTMENT MAY ACCEPT GIFTS, DEVISES OR BEQUESTS. The department is authorized to expend available funds to provide for the board, lodging and care of children placed on probation by the department in a family home or boarding home, or may arrange for payments or contributions by any local governmental unit, or public or private agency or organization, willing to make payments or contributions for such purpose. The Department may accept any gift, devise or bequest made to it for its purposes.

Section 43. Section 208.450 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.450 MEDICAL AND SURGICAL CARE FOR CHILDREN COMMITTED TO DEPARTMENT. When any child committed to the department requires medical or surgical care or treatment, the department may provide the same or arrange for the furnishing thereof by other public or private agencies. For this purpose, the services and facilities of local health officers and departments shall be made available to the department, and as far as practicable any publicly-owned hospital shall provide hospitalization without charge for any such child who is a resident of the political subdivision by which the hospital is owned or operated.

Section 44. Section 208.460 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.460 DISPOSITION OF MENTALLY ILL OR DEFECTIVE CHILD COMMITTED TO DEPARTMENT. If it appears that a child committed to the department is mentally ill or defective, the department may commit him, for a period of observation not to exceed thirty-five days, to a state mental hospital or to the Kentucky Training Home, or to a public hospital having a psychopathic ward or facilities suitable for the observation of mental conditions. If it appears from such observation that the child requires treatment or hospitalization for mental illness or defect, the department shall cause proceedings to be instituted under the statutes governing inquests concerning mental condition, and if the child is committed to a mental hospital or to the Kentucky Training Home he shall automatically be discharged from his commitment to the department. If facilities are not available to receive a child in a state mental hospital or the Kentucky Training Home, the department may retain custody of the child for a reasonable time or return the child to the county of the court which committed the child to the department.

Section 45. Section 208.470 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.470 DISPOSITION OF CHILD INCAPABLE OF BENEFITTING FROM TREATMENT BY DEPARTMENT FACILITIES. If it appears to the department that a child committed to it by reason of the commission of a public offense constituting a felony, is incapable of benefitting from treatment by the facilities of the department, the child shall be returned by the department to the circuit court of the county in which the offense was committed, for appropriate proceedings. If the child originally was committed to the department by such circuit court, following a conviction of the felony upon a trial in the circuit court, the court shall commit the child to the state penitentiary for the duration of the sentence fixed by the verdict, allowing credit for such period of time as the child was in custody of the department. Otherwise, the circuit court shall proceed the same as if the child was an adult under arrest on a felony charge, and in the event the child is convicted and sentenced on the felony charge, credit shall be allowed on the sentence for the period of time the child was in the custody of the department. •

Section 46. Section 208.480 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.480

Any child that has been committed to the Youth Authority or the Kentucky Children's Bureau or the department who has not committed a public offense, and is a needy, neglected or dependent child, shall be disposed of by the Department of Economic Security as provided by law. Any child committed to the Youth Authority who has committed a public offense shall continue under its commitment and shall be disposed of by the department as provided by law.

Section 47. Section 208.490 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.490 TRANSFER OF CHILDREN CONFINED IN REFORMATORY OR PENITENTIARY TO CUSTODY AND JURISDICTION OF DEPARTMENT. Any child under sixteen years of age who, upon January 1, 1953, is confined in the state reformatory or penitentiary under a sentence for a felony, may, by order of the Commissioner of Welfare, be transferred to the custody and jurisdiction of the department, in which event the department, for such period of the sentence as will not extend beyond the age of twenty-one, shall exercise such powers and duties with respect to the child as it would exercise had the child been committed to the department by a court.

Section 48. Section 208.510 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.510 PAROLE VIOLATORS. Any child committed to the department who is placed on parole by the department and who violates the terms or conditions of parole may be apprehended and returned to active custody of the department by any probation officer of the department or by any peace officer on direction of the department.

Section 49. Section 208.520 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.520 DESIGN AND OPERATION OF INSTITUTIONAL FACILITIES, VOCATIONAL EDUCATION; EMPLOYMENT OF CHILDREN; USE OR DISPOSAL OF FARM AND OTHER PRODUCTS.

(1) The institutional facilities under the control of the department shall be designed and operated in such a manner as to rehabilitate, train, develop and educate the children to become good citizens and useful members of society.

(2) Suitable programs of vocational education and training shall be carried on in the institutions, with the view of preparing the children for future self-support.

(3) The children in each institution shall be employed so far as practicable in labor incident to the maintenance and operation of the institution, and in suitable industries conducted by the institutions as a part of the vocational training program.

(4) The superintendent or managing officer of each institution may use, for the maintenance of the institution, the products of farms, dairies and other departments and industries of the institution, or may sell or exchange such products for the benefit of the institution.

Section 50. Section 208.530 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.530 EDUCATION OF CHILDREN IN INSTITUTIONS. Children maintained in any of the institutional facilities operated by the department shall so far as possible receive a common school education. The department shall provide supplemental or special educational programs for those children requiring segregation, restraint or specialized treatment. The Department of Education, to the extent of available facilities, shall assist and cooperate with the department in the educational programs for the institutions.

Section 51. Section 208.540 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.540 MILEAGE AND EXPENSE ALLOWANCE TO OFFICER CONVEYING CHILD TO INSTITUTION OR FACILITY. Any peace officer who conveys a child from the committing court or from the detention facility of the committing court to an institution or facility operated by the department shall be allowed ten cents per mile, calculated by the nearest traveled route, and shall be paid for all necessary expenses for feeding, lodging and transporting the child. The officer shall make out a full account of all expenses so incurred by him and give the distance traveled. The account shall be verified by the officer upon oath before the county court and certified by the county clerk to the department, for payment out of funds appropriated for the purpose.

Section 52. Section 208.550 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.550 METHOD OF ACQUIRING LANDS AND BUILDINGS. Acquisition of lands and buildings for the department shall be in accordance with the provisions of KRS 56.440 to 56.550.

Section 53. Section 208.560 of the Kentucky Revised Statutes is hereby amended and re-enacted to read as follows:

208.560 YOUTH AUTHORITY; ADVISORY BOARD.

(1) There is hereby created a Youth Authority which shall be a division of the Department of Welfare.

(2) There is hereby created an advisory board to the Youth Authority which shall consist of the Commissioner of Welfare or his authorized agent as chairman, and five members appointed by the Governor upon the recommendation of the commissioner. The members shall serve at the pleasure of the Governor. Each appointed member shall receive a per diem of $25, and his actual and necessary travel expenses when engaged in official business of the board. The appointed members of the board shall be chosen from among persons having professional qualification in such fields as the social sciences, psychology, medicine, law, education and religion, and the appointments shall be so made as to provide a diversified representation of such fields.

(3) The advisory board shall aid the Commissioner of the department in formulating policies for the Youth Authority and discussing problems relating to the administration of the Youth Authority, and in assuring impartiality and freedom from political influence in the solution of such problems. At least once each year the board shall review the case of each child committed to the department so long as the child remains under its jurisdiction.

Section 54. Sections 208.210, 208.500, 208.570, 208.580, 208.590 and 258.595 of the Kentucky Revised Statutes are hereby repealed.

Section 55. An emergency is declared to exist and the reasons for the emergency is to facilitate and provide for the economy, efficiency and improved administration of services relating to needy, neglected, dependent and delinquent children and adoptions. The Act shall become law upon the approval of the Governor.

HB 370: AN ACT relating to amusement taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

"Any person who sells admission to places of amusement or entertainment without first procuring the permit required by KRS 138.040 shall pay, in addition to the tax imposed by KRS 138.020, a penalty equal to twenty-five percent of the amount of the tax; provided, however, that the penalty may be reduced to five percent if the Department of Revenue is convinced that failure to procure the permit was not a willful violation of KRS 138.040. This penalty shall be in addition to penalties provided by KRS 138.030 and the fine provided by KRS 138.990 (1).

HB 89: AN ACT relating to marriage.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 402.808 of the Kentucky Revised Statutes is hereby repealed.

Calendar

HB 390, HB 151, HB 168, HB 77, HB 345, HB 355, HB 318, SB 15, HB 295, HB 304, HB 324, HB 113, HB 280, HB 401, HB 322, HB 383, HB 398, HB 371, HB 404, HB 184, HB 187, HB 48 were taken from the Calendar and ordered read at length for the second time. Ordered placed in the Orders of the Day.

Reference of Bills

The Speaker announced referral of the following bills and resolutions:

Revenue and Taxation: **HB 429**

Public Utilities: **HB 430, HB 431, HB 432, HB 433, HB 444**

Ways and Means: **HB 434, HB 438, HB 441, HB 442, HB 443, HB 445, HR 41, HR 42, HR 43, HR 44, SB 53, SB 79, SR 17, SR 18, SR 19, SR 35**

Education: **HB 435, HB 440**

Judiciary: **HB 436, HB 439**

Transportation and Highways: **HB 437**

Orders of the Day

HR 25 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 74—Anderson, Barnum, Baumgardner, Billington, Blankenship, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Conrad, Cornett, Davidson, Davis, Dunsil, Embry, Everett, Flanery, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Stith, Thomas, Thompson, Tinsley, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch. Nays 0. **HR 25** was passed and the title agreed to.

HR 19 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 75—Anderson, Baumgardner, Billington, Blue, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Everett, Freeman, Gay, Greene, Griffin, Grigsby Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Thomas, Thompson, Tinsley, Wathen, A. W. Wells, Williamson, Wilson, Wirsch. Nays 0. **HR 19** was passed and the title agreed to.

HB 247 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 75—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Cottengim, Davidson, Davis, Dunsil, Embry, Everett, Flanery, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hadden, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Thomas, Thompson, Tinsley, Wathen, A. W. Wells, Williamson, Wilson, Wirsch. Nays 3—D. W. Howard, Stith, L. B. Wells. **HB 247** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 88 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed.

Representative Peace moved to amend **HB 88** as follows: "Amend printed copy of H. B. 88 on page 1, line 5 by changing the words 'two newspapers' to 'the newspaper,' and in line 6, change the word 'five' to 'three'". Adopted. Read at length the third time, as amended. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 55—Anderson, Barnum, Baumgardner, Bridgers, Buchanan, Bush, Carter, Conrad, Cottengim, Davidson, Dunsil, Embry, Everett, Freeman, Gay, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Heskamp, Heyburn, Highland, Hill, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Lambert, Lowman, Martin, McFadden, McKinney, Melton, Morgan, Mullins, Newsom, Nunn, Peace, Pollitte, Rayburn, J. B. Reed, V. Reed, H. V. Reid, Reynolds, Saylor, Stith, Thomas, Thompson, A. W. Wells, Wilson, Wirsch. Nays 30—Bates, Billington, Blankenship, Blue, Breathitt, Breckinridge, Burnley, Casey, Davis, Day, Greene, Harris, Hawkins, Hilton, Hinkle, Hislope, Mackey, McCallum, Moore, Ockerman, Parrish, Qualls, Ratcliffe, Ray, Searcy, Tanner, Tinsley, Wathen, L. B. Wells, Williamson. **HB 88** was passed and the title agreed to.

Representative Thompson moved that the vote by which **HB 88** was passed be reconsidered and said bill laid on the Clerk's desk. Said motion was rejected.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 131 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 79—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breckinridge, Bridgers, Buchanan, Bush, Conrad, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Everett, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wilson, Wirsch. Nays 0. **HB 131** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HR 5 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 67—Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Carter, Davis, Day, Dunsil, Everett, Flanery, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Highland, Hill, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Mackey, Martin, McKinney, Melton, Moore, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wirsch. Nays 0. **HR 5** was passed and the title agreed to.

Representative Morgan moved that the vote by which said resolution was passed be reconsidered and the motion laid on the table. Agreed.

HB 71 taken from the Clerk. Representative Morgan moved that the House concur in the following Senate amendments: "Amend printed copy of House Bill No. 71 on pages 1 and 2, section 1, lines

1 and 34, by inserting in line 1, section 1, on page 1 after the word 'action' the words 'against a radio or television broadcasting station', and amending line 34, page 2, section 1, by striking therefrom the words 'three business days' and substitution therefor 'one business day.'" Adopted.

Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 73—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Cottengim, Davidson, Dunsil, Embry, Everett, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Highland, Hill, Hinkle, Hislope, C. S. Howard, D. W. Howard, Johnson, Lambert, Mackey, Martin, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Parrish, Peace, Pollitte, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch. Nays 0.

HB 71 was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 172 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Burnley moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 73—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Carter, Casey, Cottengim, Dunsil, Embry, Everett, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holslaw, C. S. Howard, D. W. Howard, Isler, Johnson, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Mullins, Murphy, Newsom, Nunn, Parrish, Peace, Pollitte, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Stith, Thomas, Thompson, Tinsley, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch. Nays 1—Bush.

HB 172 was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HR 18 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Wilson moved adoption of the Resolution. Adopted.

HB 137 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed.

Representative Ockerman moved to lay **HB 137** on the Clerk's desk. Motion rejected. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 61—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Buchanan, Burnley, Bush, Carter, Casey, Cottengim, Davis, Dunsil, Embry, Flanery, Freeman, Gay, Griffin, Grigsby, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Johnson, Mackey, Martin, McFadden, McKinney, Melton, Moore, Mullins, Murphy, Newsom, Parrish, Peace, Pollitte, Ratcliffe, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Thomas, Tinsley, L. B. Wells, Wilson, Wirsch, Young. Nays 4—Breathitt, Breckinridge, Ockerman, Thompson. **HB 137** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 253 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 71—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Bush, Carter, Casey, Conrad, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Flanery, Freeman, Gay, Griffin, Grigsby, Gullette, Hadden, Hahn, Harris, Heyburn, Highland, Hill, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Johnson, Lambert, Lowman, Mackey, Martin, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Ratcliffe, Ray, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Stith, Thomas, Thompson, Tinsley, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 1—Pollitte. **HB 253** was passed and the title agreed to.

Representative Morgan moved that the vote by which said Bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 125 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed.

Representative Breckinridge moved to amend **HB 125** as follows:

Amendment No. 1: "Amend printed copy of HB 125 by deleting 'and 337.240' from the title." Adopted.

Amendment No. 2: "Amend printed copy of HB 125 on page 1, section 1, line 6 after the word 'employer' add a comma and the words 'nor employment as an outside salesman.'" Adopted.

Amendment No. 3: "Amend printed copy of HB 125 on page 2, section 4, line 1 delete entire section 4.'" Adopted.

Amendment No. 4: "Amend printed copy of House Bill No. 125 on page 1, section 1, line 4 is amended as follows: substitute the figure '50' in lieu of figure '75.'" Adopted.

Amendment No. 5: "Amend printed copy of H.B. 125 on page 2, section 3, line 13 is amended as follows: Substitute the figure '50' in lieu of the figure '75'." Adopted.

Representative Breckinridge moved that the vote by which Amendment No. 1 was adopted be reconsidered. Agreed. Representative Breckinridge moved to amend Amendment No. 1 as follows:

Amendment No. 1A: "Amend printed copy of House Bill No. 125 on page 2, section 3, line 4, section 3 Section 3. Correct spelling of 'minors' on line 4. Adopted.

Amendment No. 1C: "Amend printed copy of HB 125 on page 2, section 3, line 8 Delete the word 'Specital' and insert in lieu thereof the word 'Special.'" Adopted.

Amendment No. 1D: "Amend printed copy of HB 125 on page 2, section 3, line 13 Delete the word 'Hours' and insert in lieu thereof the word 'Hour.'" Adopted.

Amendment No. 1B: "Amend printed copy of HB 125 on page 1, section 1, line 4 Delete the word 'Hours' and insert in lieu thereof the word 'Hour.'" Adopted.

Amendment No. 1E: "Amend printed copy of HB 125 on page 2, section 3, line 8 correct the spelling of the word '(believes.') (Believes.). Adopted.

Amendment No. 1F: "Amend printed copy of HB 125 on page 2, section 3, line 7 correct the spelling of the word 'possession'." Adopted.

Representative Ockerman moved to have Bill reprinted, incorporating Amendments. Motion rejected.

Read at length the third time as amended.

Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 51—Anderson, Barnum, Baumgardner, Blankenship, Blue, Breathitt, Breckinridge, Burnley, Bush, Conrad, Cottengim, Day, Everett, Freeman, Grigsby, Gullette, Hahn, Heyburn, Hill, Hilton, Hinkle, Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Lowman, Martin, McCallum, Melton, Moore, Morgan, Mullins, Murphy, Peace, Qualls, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, Reynolds, Saylor, Searcy, Tanner, Thompson, Tinsley, Walsh, Williamson, Wirsch, Young. Nays 29—Bates, Billington, Bridgers, Carter, Casey, Dunsil, Embry, Gay, Grundy, Hadden, Hawkins, Heskamp, Hislope, C. S. Howard, Lambert, Mackey McFadden, McKinney, Nunn, Parrish, Pollitte, Ratcliffe, R. Reid, Sr., Stith, Thomas, Wathen, A. W. Wells, L. B. Wells, Wilson. **HB 125** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 214 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 80—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Conrad, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Everett, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Highland, Hill, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Lambert, Mackey, Martin, McFadden, McKinney, Melton, Moore, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 214** was passed and the title agreed to.

Representative Morgan moved that the vote by which the bill was passed be reconsidered and the motion laid on the table. Agreed.

SR 40 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed.

Representative Heyburn moved to amend **SR 40** as follows: "Amend printed copy of SR 40 on page 1, line 2. Delete the words February 18th and insert in lieu thereof March 3rd." Rejected.

SR 40 read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 63—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Bridgers, Buchanan, Burnley, Carter, Cottengim, Davidson, Davis, Embry, Everett, Freeman, Greene, Grigsby, Gullette, Harris, Hawkins, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, McCallum, McFadden, Melton, Moore, Morgan, Murphy, Newsom, Nunn, Parrish, Pollitte, Qualls, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, Reynolds, Saylor, Searcy, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, Williamson, Wilson, Wirsch, Young, Fitzpatrick. Nays 22—Breathitt, Breckinridge, Day, Dunsil, Flanery, Gay, Griffin, Grundy, Hadden, Heyburn, Hislope, D. W. Howard, Lambert, Lowman, Mackey, Martin, McKinney, Ockerman, Peace, R. Reid, Sr., L. B. Wells. **SR 40** was passed and the title agreed to.

Senate Message

Senate message announcing passage of **SR 32, SB 71, SB 83, SB 97, SB 112, SB 132, HR 3, HB 8, HB 55, HB 58, HB 63, HB 57, HB 70, HB 72, HB 75, HB 97, HB 106, HB 108, HB 114, HB 179, SB 105, SB 138, SB 146, SR 20, SR 25, SR 39** read by Clerk.

Motions

Representative C. S. Howard moved that beginning Tuesday, February 7 and continuing until sine die adjournment the House meet daily at 10 A. M. and 8 P. M. Motion rejected.

A motion by Representative Day, seconded by Representative Breckinridge, was rejected. Said motion is as follows:

I move you Sir, that a committee of twenty members composed of the members of this House from the following legislative districts, fifth, tenth, fifteenth, twentieth, twenty-fifth, thirtieth, thirty-fifth, fortieth, forty-fifth, fiftieth, fifty-fifth, sixtieth, sixty-fifth, seventieth, seventy-fifth, eightieth, eighty-fifth, ninetieth, ninety-fifth and one hundredth, be appointed for the purpose of investigating charges carried by the Courier Journal, the Kentucky edition of the Cincinnati Enquirer and radio station W.H.A.S. that the dismissal of Mrs. Shelby McCallum, wife of Shelby McCallum, a member of this honorable body and of Mrs. Wayne Freeman, wife of Senator Wayne Freeman, resulted from the vote by the honorable Shelby McCallum and the honorable Wayne Freeman, against the Keeneland bill. The Committee to meet subsequent to adjournment on the day this motion is adopted, in room six and to choose one of its members as chairman and set a time for the summoning of witnesses to appear before it. When it has been determined why and by whom Mrs. McCallum and Mrs. Freeman were fired, the Committee shall submit a complete report to the House.

Introduction of Bills and Resolutions

HB 446, by Representative Breckinridge: AN ACT relating to Roads.

HB 447, by Representative Blankenship: AN ACT relating to revenue and taxation.

HB 448, by Representative Reynolds: AN ACT relating to containers for malt beverages.

HB 449, by Representative Ockerman: AN ACT relating to marketing of agricultural products.

HB 450, by Representative Ockerman: AN ACT relating to trespassing on enclosed or posted premises.

HB 451, by Representative L. B. Wells: AN ACT relating to school busses.

HB 452, by Representative Burnley: AN ACT relating to income tax.

HB 453, by Representatives Burnley and Harris: AN ACT relating to motor vehicles, and the operators thereof.

HB 454, by Representative D. W. Howard: AN ACT relating to notary publics.

HB 455, by Representative D. W. Howard: AN ACT relating to unemployment insurance, and amending KRS 341.310.

HB 456, by Representative Moore: AN ACT relating to plumbing.

HB 457, by Representative Melton: AN ACT relating to the support of minor children and amending Section 405.030 of the Kentucky Revised Statutes.

HB 458, by Representative Hilton: AN ACT relating to Unemployment Insurance.

HB 459, by Representatives Hinkle and Ockerman: AN ACT relating to game and fish and exceptions to license prohibitions.

HB 460, by Representatives Cottengim, Day, and Isler: AN ACT changing the classification of the city of Florence, in Boone County.

HB 461, by Representatives Hinkle, Flannery, Mackey, Conrad, Thomas, Hadden, Ratcliffe, Johnson, Moore, Anderson, Robert Reid, Sr., Gullette, Highland, Hahn, Casey, Williamson, Blue, Grundy, Heskamp, Blankenship, Thomas, and Wilson: AN ACT relating to the excise tax on gasoline.

HB 462, by Representatives Cottengim, Isler, Day, and Wirsch: AN ACT providing for fair trade minimum mark-up prices for the sale of malt beverages by retailers for consumption off the premises, and providing for enforcement through injunctive processes.

HR 45, by Representatives Wilson, Isler, Wirsch, McKinney, McFadden, Peace, Nunn, Dunsil, Griffin, Bush, Hahn, Hadden, H. V. Reid, Blue, Caudill, Burnley, and Williamson: A CONCURRENT RESOLUTION expressing appreciation to the University of Louisville and City of Louisville and Jefferson County Officials.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 126, HB 4, HB 11, HB 53, HB 119** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Representative Morgan moved to adjourn until 8 P. M., Monday, February 6. Agreed.

MONDAY, FEBRUARY 6

TWENTY-EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Robert J. Laughlin, First Presbyterian Church, Frankfort.

The Roll Call showed all present except Beshear, Billington, Blue, Buchanan, Cottengim, Freeman, Harris, Highland, C. S. Howard, Nunnelley, Walsh, Weintraub, who were granted a leave of absence on motion of Representative Morgan.

Representative Burnley moved that the reading of the February 3 Journal be dispensed with and that the same be approved. Agreed.

Appointment of Committee

The Speaker appointed the following to the Rules Committee: Representatives Bates, Baumgardner, Beshear, Billington, Blankenship, Bridgers, Buchanan, Burnley, Carter, Cottengim, Davidson, Davis, Embry, Everett, Greene, Grigsby, Gullette, Harris, Highland, Hilton, Hinkle, Holsclaw, Clyde S. Howard, Johnson, Kubale, Melton, Moore, Morgan, Newsom, Pollitte, Qualls, Rayburn, Vernon Reed, Howard V. Reid, Tinsley, Walsh, Wathen, Weintraub, A. W. Wells, Wirsch, Young, Fitzpatrick.

Recess

The House recessed thirty minutes, on motion of Representative Morgan, for meeting of Rules Committee.

At the appointed time, the Speaker resumed the Chair and called the House to order.

Senate Message

Senate message announcing passage of **HB 28, HB 54** read by Clerk.

Motions

Representative Breathitt moved the adoption of **HR 47**. Adopted by voice vote.

HR 47: A RESOLUTION expressing regret for the illness of Fred Beshear and wishing him a speedy recovery.

WHEREAS, Fred Beshear, a member of this honorable body is ill and has been forced by said illness to leave his seat; and

WHEREAS, the said Fred Beshear has rendered long and faithful service to the Commonwealth of Kentucky as a legislator; and

WHEREAS, the said Fred Beshear, having served many sessions as a member of this honorable body, has never prior to this session, missed a roll call or vote of any session in which he has served;

NOW THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

Section 1. That the House hereby expresses its regrets that Fred Beshear is ill and its wishes that he have a speedy recovery and be able to return soon to his seat.

Section 2. That the Clerk of the House of Representatives cause copies of this Resolution to be sent to the Honorable Fred Breshear and to the County Court Clerk of Hopkins County to be made a part of the official records of that county.

Report of Committees

The Rules Committee reported **HB 465, HB 335, HB 339, HB 282, HB 270, HB 337, HB 467** with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 465: AN ACT relating to the redistricting of the Congressional Districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 120.060 of the Kentucky Revised Statutes is amended to read as follows:

The Commonwealth is divided into eight Congressional Districts, composed as follows:

(1) First District: Fulton, Hickman, Graves, Calloway, Carlisle, Ballard, McCracken, Marshall, Livingston, Crittenden, Lyon, Trigg, Caldwell, Christian, Muhlenberg, Logan, Todd.

(2) Second District: Henderson, Webster, McLean, Ohio, Simpson, Allen, Warren, Butler, Daviess, Hancock, Breckinridge, Grayson, Edmonson, Hart, Hopkins, Union.

(3) Third District: Jefferson.

(4) Fourth District: Mercer, Shelby, Spencer, Bullitt, Nelson, Hardin, LaRue, Greene, Barren, Metcalfe, Monroe, Anderson, Adair, Taylor, Marion, Washington, Cumberland, Meade.

(5) Fifth District: Oldham, Trimble, Carroll, Gallatin, Boone, Kenton, Campbell, Grant, Pendleton, Bracken, Mason, Robertson, Fleming, Lewis.

(6) Sixth District: Owen, Henry, Franklin, Scott, Woodford, Fayette, Jessamine, Garrard, Boyle, Lincoln, Madison, Clark, Bourbon, Harrison, Powell, Montgomery, Nicholas, Casey.

(7) Seventh District: Greenup, Boyd, Carter, Rowan, Bath, Elliott, Lawrence, Morgan, Menifee, Wolfe, Magoffin, Floyd, Lee, Owsley, Jackson, Breathitt, Johnson, Estill, Pike, Knott, Martin.

(8) Eighth District: Letcher, Perry, Leslie, Harlan, Clay, Knox, Bell, Whitley, Laurel, Rockcastle, Pulaski, McCreary, Wayne, Clinton, Russell.

HB 335: AN ACT relating to insurance and amending sections 62.170, 62.180 and 62.190 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 62.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Finance shall secure, except for state officers required by KRS 62.160 to file bond, a blanket position bond, or bonds with two or more co-sureties, to cover all other officers, employees or deputies of the Commonwealth of Kentucky, including all other members of boards or commissions or employees of such boards or commissions, and including all superintendents, receivers or employees of penal or eleemosynary institutions managed or directed by the Department of Welfare or any other department or agency of the Commonwealth of Kentucky.

(2) The Commissioner of Finance may secure one or more excess blanket bonds, or bonds with two or more co-sureties, to cover selected groups of persons covered by the bond or bonds required in the preceding paragraph to provide additional coverage which he may deem necessary by the exposures indicated in accordance with the duties and responsibilities indicated by the personnel classification schedules of the Division of Personnel Efficiency and in accordance with the amounts of money and property handled by the respective officers and employees.

Section 2. Section 62.180 of the Kentucky Revised Statutes is amended to read as follows:

Each bond provided for in KRS 62.160 shall be a covenant of the commonwealth of Kentucky that the principal will faithfully discharge his duties and will faithfully account for and pay over all money and property that may come into his possession by virtue of his office or position. Liability on the bond of any officer shall extend to any position held by him ex officio.

Section 3. Section 62.190 of the Kentucky Revised Statutes is amended to read as follows:

The bonds provided for by section 62.170 of the Kentucky Revised Statutes shall be covenants to the Commonwealth of Kentucky that the officers, employees or holders of positions covered by the bond will faithfully account for and pay over all money and property that may come into their possession by virtue of their office, employment or position.

HB 339: AN ACT relating to insurance and repealing KRS 342.011 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 342.011 is hereby repealed.

HB 282: AN ACT relating to distilled spirits.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.706 of the Kentucky Revised Statutes is amended to read as follows:

(1) The person desiring to manufacture distilled spirits in lieu of tax-paid distilled spirits destroyed as set out above shall apply to the Tax Commission or other proper state agency for the issual of duplicate permits within two years of the time the fire occurred, and the Tax Commission or other state agency in charge of issuing permits shall at once issue duplicate permits to the owner of the distilled spirits so destroyed for the same number of gallons as were destroyed by fire as set out above. There shall be no charge for the issual of said permits, but the manufacturer making such application shall furnish definite proof:

(a) That the distilled spirits so destroyed were tax-paid under the provisions of KRS 243.680 or said section as amended;

(b) That the distilled spirits so destroyed had not been sold by the manufacturer thereof prior to the time of the destruction;

(c) That said spirits were still stored on the premises where manufactured, or immediately adjacent to the premises where manufactured;

(d) The number of proof gallons destroyed;

(e) The cause of said destruction and that said destruction was accidental and not the fault of the owner thereof.

(2) Provided that the Tax Commission or other state agency may accept the same proof of loss as that furnished to the United States Government under similar circumstances.

HB 270: AN ACT relating to traffic regulation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290 189.300 to 189.360, KRS 189.380, KRS 189.390, KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, or KRS 189.570

to 189.630, except subsection (1) of KRS 189.580, shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than ten dollars nor more than two thousand dollars, or imprisoned in the county jail for not more than one year, or both.

(2) (a) Any person who violates the weight provisions of KRS 189.221 or 189.222 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount equal to two cents per pound for each pound of excess load when the excess is 2,000 pounds or less, three cents per pound when the excess exceeds 2,000 pounds and is 3,000 pounds or less, five cents per pound when the excess exceeds 3,000 pounds and is 4,000 pounds or less, seven cents per pound when the excess exceeds 4,000 pounds and is 5,000 pounds or less, and nine cents per pound when the excess exceeds 5,000 pounds but in no case to exceed $500.

(b) Any person who violates any provision of subsections (3) and (4) of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.221 to 189.230, 189.270, 189.280, or 189.490, for which another penalty is not specifically provided, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding $500.

(c) Nothing in this subsection or in KRS 189.221 to 189.228 shall be deemed to prejudice or affect the authority of the Division of Motor Transportation to suspend or revoke certificates of common carriers, permits of contract carriers, or drivers' or chauffeurs' licenses, for any violation of KRS 189.221 to 189.228 or any other Act applicable to motor vehicles, as provided by law.

(3) Any person who violates KRS 189.170 shall be fined not less than five nor more than fifty dollars for each day he operates a truck in violation of KRS 189.170.

(4) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not more than five dollars.

(b) Any person who violates subsection (5) of KRS 189.190 shall be fined not less than twenty-five nor more than two hundred dollars.

(5) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not less than fifteen nor more than one hundred dollars.

(b) Any peace officer who fails, when properly informed, to enforce KRS 189.210 shall be fined not less than fifteen nor more than one hundred dollars.

(c) All fines collected under this subsection, after payment of commissions to officers entitled thereto, shall go to the county road fund if the offense is committed in the county, or to the city street fund if committed in the city.

(6) Any person who violates subsection (3) of KRS 189.320 shall be guilty of a misdemeanor.

(7) Any person who violates subsection (1) of KRS 189.370 shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

(8) Any person who violates KRS 189.500 shall be fined not more than five dollars in excess of the cost of the repair of the road.

(9) Any person who violates KRS 189.510 shall be fined not less than ten nor more than fifty dollars.

(10) (a) Any person who violates subsection (2) of KRS 189.520 shall be fined for each offense not less than one hundred dollars nor more than five hundred dollars and shall be imprisoned for not more than six months.

(b) Any peace officer who violates subsection (3) of KRS 189.520 shall be fined not less than twenty-five nor more than one hundred dollars.

(11) Any person who violates KRS 189.530 shall be fined not less than twenty-five nor more than one hundred dollars or imprisoned not less than thirty days nor more than twelve months, or both.

(12) Any person who violates any of the provisions of KRS 189.550 shall be fined not less than ten nor more than one hundred dollars for each offense.

(13) Any person who violates subsection (2) of KRS 189.560 shall be fined not less than twenty nor more than one hundred dollars for each offense.

(14) The fines imposed by subsection (4) (a) and subsections (8) and (9) of this section shall, in the case of a public highway, be paid into the county road fund, and in case of a privately owned road or bridge be paid to the owner. These fines shall not bar an action for damages for breach of contract.

(15) Any person who violates any of the provisions of KRS 189.120 shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

(16) Any person who violates any provision of KRS 189.575 shall, upon conviction thereof, be fined not exceeding twenty-five dollars.

(17) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

HB 337: AN ACT relating to insurance and repealing Section 161.360 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.360 is hereby repealed.

HB 467: AN ACT proposing an amendment to the Constitution of Kentucky relating to the organization of the common school system; amending Sections 91, 93, 95 and 96 thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 91 of the Constitution of the Commonwealth of Kentucky is proposed to be amended to read as follows:

A Treasurer, Auditor of Public Accounts, Register of the Land Office, Commissioner of Agriculture, Labor and Statistics, Secretary of State and Attorney General shall be elected by the qualified voters of the State at the same time the Governor is elected, for the term of four years, each of whom shall be at least thirty years of age at the time of his election, and shall have been a resident citizen of the State at least two years next before his election. The duties of all these officers shall be such as may be prescribed by law, and the Secretary of State shall keep a fair register of and attest all the official acts of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto before either House of the General Assembly. The officers named in this section shall enter upon the discharge of their duties the first Monday in January after their election, and shall hold their offices until their successors are elected and qualified.

Section 2. Section 93 of the Constitution of the Commonwealth of Kentucky is proposed to be amended to read as follows:

The Treasurer, Auditor of Public Accounts, Secretary of State, Commissioner of Agriculture, Labor and Statistics, Attorney General and Register of the Land Office shall be ineligible to re-election for the succeeding four years after the expiration of the term for which they shall have been elected. The duties and responsibilities of these officers shall be prescribed by law, and all fees collected by any of said officers and the State Board of Education shall be covered into the treasury. There shall be a State Board of Education consisting of nine members, who shall severally hold their office for the term of nine years, none of whom shall be eligible for appointment unless he has been a citizen of Kentucky at least five years preceding his appointment, is a voter in the district for which he is appointed, and has attained the age of thirty years. The Board shall have the management and control of the common school systems of the State and other functions assigned it by law, and shall appoint a Commissioner of Education who shall act as its executive agent, and serve for such reasonable term and at such salary and allowance as may be fixed by the Board. The General Assembly shall, in 1958, divide the State, by counties, into eight districts as nearly equal in population and compact in form as possible; and it may, commencing in 1970 and every ten years thereafter, redistrict the State in like manner. The Governor shall appoint eight members of the Board from districts and the ninth member from the state-at-large. Commencing July 1, 1958, the Governor shall appoint members of the Board as follows: One member for nine, eight, seven, six, five, four, three, two and one year terms, respectively, and upon the expiration of the respective terms of said members their successors shall be appointed by the Governor for terms of nine years each.

The Board shall elect a chairman annually from among its membership. Board members shall at stated times receive for their services adequate compensation and allowances to be fixed by law. Members of the Board shall serve until the expiration of their respective terms and until their successors are appointed and qualified; provided, that in the event no successor is appointed within sixty days after the expiration of the term of any member whose appointment is herein provided for, the remaining members of the Board shall make the appointment. In the event that a vacancy shall occur on the Board by reason of the death or resignation of a member, or for any other reason, the Board shall appoint a successor who shall hold office until the expiration of the term and the appointment and qualification of a successor as herein provided. Other officers and employes serving in State-supported educational institutions or school districts may be appointed or elected for such reasonable terms of years and shall have such qualifications and salaries and such duties of a local or state-wide nature as may be prescribed by law. Inferior State officers, not specifically provided for in this Constitution, may be appointed or elected, in such manner as may be prescribed by law, for a term not exceeding four years, and until their successors are appointed or elected and qualified.

Section 3. Section 95 of the Constitution of the Commonwealth of Kentucky is proposed to be amended to read as follows:

The election under this Constitution for Governor, Lieutenant Governor, Treasurer, Auditor of Public Accounts, Register of the Land Office, Attorney General, Secretary of State and Commissioner of Agriculture, Labor and Statistics, shall be held on the first Tuesday after the first Monday in November, eighteen hundred and ninety-five, and the same day every four years thereafter.

Section 4. Section 96 of the Constitution of the Commonwealth of Kentucky is amended to read as follows:

All officers mentioned in Sections 93 and 95 shall be paid for their services by salary and not otherwise.

Section 5. The amendment of these Sections shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

Calendar

HB 83, HB 254, HB 217, HB 289, HB 415, HB 16, HB 389, HB 156, HB 363, HB 427, HB 221, HB 399, HB 287, HB 419, HB 169, HB 129, HB 225, HR 38, HB 400, HB 341, HB 364, HR 32, HB 306,

HB 384, HB 302, HB 272, HB 428, HB 240, HB 403, HB 366, HB 91, HB 251, HB 323, HB 328, HB 391, HB 317, HB 365, HB 89, HB 362, HB 370, HB 271, SB 102, HB 249, HB 231 were taken from the Calendar and ordered read at length for the second time. Ordered placed in the Orders of the Day.

Orders of the Day

HB 285 taken from Orders of the Day on recommendation of Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 79—Anderson, Barnum, Bates, Baumgardner, Blankenship, Breathitt, Breckinridge, Burnley, Bush, Carter, Casey, Conrad, Cornett, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Hill, Hilton, Hinkle, Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, A. W. Wells, L. B. Wells, Wilson, Young. Nays 0. **HB 285** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 300 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 78—Anderson, Barnum, Bates, Baumgardner, Blankenship, Breathitt, Breckinridge, Burnley, Bush, Carter, Casey, Conrad, Cornett, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Hill, Hilton, Hinkle, D. W. Howard, Isler, Jennings, Johnson, Lambert, Lowman, Mackey, Martin, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 300** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 301 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 73—Anderson, Barnum, Bates, Baumgardner, Blankenship, Breathitt, Breckinridge, Burnley, Carter, Casey, Conrad, Cornett, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Hilton, Hinkle, Hislope, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Tinsley, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 2—Hill, Martin. **HB 301** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 95 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage.

Representative Ockerman moved to amend Committee Substitute to **HB 95** as follows: "Amend printed copy of Committee Substitute for H. B. 95 on page 2, section 2, line 3 by striking the word 'contiguor' and inserting in lieu thereof the word 'contiguous'." Adopted. Read at length the third time. Representative Ockerman moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 65—Anderson, Barnum, Baumgardner, Blankenship, Breathitt, Breckinridge, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Davis, Dunsil, Embry, Everett, Farmer, Flanery, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Hill, Hilton, Hinkle, Isler, Johnson, Mackey, Martin, McKinney, Melton, Moore, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Pollitte, Qualls, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Tanner, Thomas, Thompson, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 95** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 8, HB 55, HB 57, HB 58, HB 63, HB 70, HB 71, HB 72, HB 75, HB 97, HB 106, HB 108, HB 114, HB 179** had been examined and found correctly enrolled. Said Bills read at length, compared, and signed in open session by the Speaker. Ordered that the original and enrolled copies be delivered to the Senate.

Introduction of Bills and Resolutions

HB 465, by Representative Morgan: AN ACT relating to the redistricting of the Congressional Districts.

HB 466, by Representative Gay: AN ACT relating to public assistance.

HB 467, by Representative Morgan: AN ACT proposing an amendment to the Constitution of Kentucky relating to the organization of the common school system; amending Sections 91, 93, 95 and 96 thereof.

HB 468, by Representative Melton: AN ACT changing the classification of the City of Corydon in Henderson County.

HB 469, by Representative Martin: AN ACT relating to game and fish.

HB 470, by Representative Moore: AN ACT changing the classification of the City of Frankfort, Franklin County, Kentucky, from a city of the third class to a city of the second class.

HB 471, by Representative Everett: AN ACT concerning regulation of the manufacture, sale, transportation, distribution and use of economic poisons and devices, including fungicides, rodenticides and herbicides.

HB 472, by Representative Billington: AN ACT changing the classification of the City of Murray in Calloway County.

HB 473, by Representative Lowman: AN ACT relating to exemptions.

HB 474, by Representative Kubale: AN ACT relating to fire protection districts.

HB 475, by Representatives Davis and Burnley: AN ACT relating to conveyances and encumbrances.

HR 46, by Representative Morgan: A CONCURRENT RESOLUTION providing for an extension of time of House Resolution No. 4.

HR 47, by Representative Breathitt: A HOUSE RESOLUTION expressing regret for the illness of Fred Beshear and wishing him a speedy recovery.

HB 476, by Representative Wirsch: AN ACT relating to the mining of clay.

Representative Morgan moved to adjourn until 1 P. M., February 7. Agreed.

TUESDAY, FEBRUARY 7, 1956

TWENTY-NINTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Robert J. Laughlin, First Presbyterian Church, Frankfort.

Roll Call showed all present except Beshear, Billington, Blue, Bridgers, Buchanan, Bush, Cottengim, Embry, Gullette, Harris, Heskamp, Highland, Holsclaw, D. W. Howard, McCallum, McFadden, Nunnelley, Saylor, Weintraub, Williamson, who were granted leave of absence on motion of Representative Morgan.

Representative Isler moved that reading of February 6 Journal be dispensed with and that same be approved. Agreed.

Report of Committees

The Rules Committee reported **HB 121, HB 226, HB 259, HB 279, HB 340, HB 348, HB 357, HB 367, HB 405, HB 406, HB 438, HB 409, HB 441, HB 447, HB 452, HB 453, HB 461, HB 468, HB 470, HB 475, SB 74, HR 12, HR 46, SR 39, SB 71** with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 121: AN ACT relating to walking horses being exhibited in the State of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The term "walking horse" as used in this section shall be construed to include only that breed of horses known as walking horses.

The term "handler" as used in this section shall be construed to mean that person or persons who are in charge of grooming, preparing and readying said horse for competition.

Section 2. No walking horse shall be permitted to compete or exhibit in any exhibition or fair either for profit or pleasure, if said horse's front legs or hoofs shows evidence of burns, drugs, lacerations, any sharp pointed instrument, or any pain inflicting device.

Section 3. It shall be the duty of the assigned ringmaster in charge of any such exhibition or competition to properly inspect the front legs and hoofs of each entry in each class or event. Said inspection shall be for the purpose of determining whether there is any evidence of burns, drugs, lacerations, any sharp pointed instrument, or any pain inflicting device appearing on said animal.

Section 4. If any such evidence appears to the satisfaction of the ringmaster, he shall immediately bar said horse from competition, and notify the sheriff of said county of said violation. The handler of said horse shall be fined not less than ten dollars nor more than one hundred dollars or imprisoned for ten days or both. For the second and each subsequent offense he shall be imprisoned for thirty days.

Section 5. Any ringmaster who fails to perform these duties, and permits the commission of any of the offenses stated in subsection (2), shall be fined not less than ten dollars nor more than one hundred dollars for each offense allowed.

Section 6. This section shall in no wise repeal any laws of the Commonwealth of Kentucky on the subject of cruelty to animals and shall be construed by the courts as supplementary thereto.

HB 226: AN ACT relating to crimes and punishments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 431.105 of the Kentucky Revised Statutes is amended to read as follows:

Notwithstanding any other statutory provisions to the contrary, all fines and forfeitures recovered in any court as a result of a conviction for the violation of any of the provisions of KRS 189.221, 189.222 or 189. 270, which violation occurs on a state maintained highway and arrest was made by any peace officer shall inure to the benefit of the state, shall be paid into the General Fund of the State Treasury, and no part shall be returned to the governmental units from which they were sent.

HB 259: AN ACT relating to the construction of statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created to read as follows:

In any case of actual conflict in the application of statutes, which results because there are different classes of cities within the county where the conflict occurs, then the statute having as its basis the larger city shall apply.

HB 279: AN ACT relating to the school districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Kentucky Revised Statutes 160.460 is amended to read as follows:

Section (1). All school taxes shall be levied by the fiscal court of each county except in independent school districts embraced by cities of the first four classes which districts may at their option have their taxes levied by the governing body of the city or the fiscal court. The tax levying authority shall levy such ad valorem tax and such poll tax as specified by the district board of education within the limits prescribed in KRS 160.475 and KRS 157.380 subsection (3), which will obtain for the school district the amount of money needed as shown in such district's general school budget submitted under the provisions of KRS 160.470.

Section (2). The tax levying authority shall make an annual school levy not later than July 1. The school levy shall not be made until the general school budget has been received by the tax levying authority. The failure of the authority to make the levy by the date prescribed shall not invalidate any levy made thereafter.

Section (3). All school taxes shall be levied on all property subject to local taxation in the jurisdiction of the tax levying authority. If the school levy is to be made upon the city assessment as authorized in subsection (1), the clerk of such city shall furnish to the school district or districts which the city embraces, the assessed valuation of property subject to local taxation in the school district, as determined by its tax assessor. If the school levy is to be made upon the county assessment the county clerk shall furnish to the proper school district or districts the assessed valuation of property subject to local taxation in such district or districts, as certified by the Kentucky Tax Commission.

HB 340: AN ACT relating to education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.605 of the Kentucky Revised Statutes is amended to read as follows:

Retired teachers who are mentally alert and physically able, upon the recomemndation of the superintendent of schools, may be employed by the board of education as teachers in the common schools of Kentucky for a period not to exceed one year, and receive compensation for same without reduction in retirement annuities. Such teachers shall not be eligible for continuing service status as defined in KRS 161.720.

HB 348: AN ACT relating to game and fish.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The Department of Fish and Wild Life Resources shall cause to be printed on all licenses issued in accordance with the provisions of subsections (1) and (2) of KRS 150.190, or a card issued therewith, information concerning the regulations prescribed by the department for the various types of licenses which are issued by the county clerk.

(2) The information to be printed upon such game, hunting or fishing license or card issued therewith, shall be such regulations relating to the acts authorized by each type of license, and shall state when the seasons are open; the creel and bag limit; the size, type and possession limit; the hours for shooting birds; and such other information as the department may deem expedient and practical.

HB 357: AN ACT relating to county government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 67.080 of the Kentucky Revised Statutes is amended to read as follows:

The fiscal court may:

(1) Appropriate county funds authorized by law to be appropriated;

(2) Sell and convey any real estate belonging to the county, and buy land for the use of the county, when necessary, for the purpose of erecting thereon public buildings, such as courthouses, clerk's offices, poorhouses, jails and workhouses, or for the care and support of paupers; or the fiscal court may appoint one or more commissioners to sell or buy real estate under this subsection, subject to the approval of the fiscal court, and convey it to the purchaser, under the direction of the court, or have it conveyed to the county, by deed properly executed and recorded;

(3) Erect and keep in repair necessary public buildings;

(4) Secure a sufficient jail and a comfortable and convenient place for holding court at the county seat;

(5) Erect, keep in repair and superintend bridges and other structures;

(6) Regulate and control the fiscal affairs and property of the county;

(7) Cause correct accounts and records to be kept of all receipts and disbursements of the public funds of the county, and have the accounts of all county officers audited, when necessary; employ a competent person to keep such accounts and records, and make such audits, and pay such person a reasonable compensation for such services, not to exceed $2,400 per annum, except that in counties containing a city of the second class such person may be paid a reasonable compensation for such services, not to exceed $3,600.00 per annum.

(8) Make provision for the maintenance of the poor, provide a poorhouse and poor farm, appropriate county funds for the benefit of infirmaries for the sick located in the county, provide for the care, treatment and maintenance of the sick and poor and provide a hospital for that purpose, or contract with any hospital in the county to do so;

(9) Provide for the good condition of the highways in the county;

(10) Appropriate county funds to make provision to secure immigration into the county and to advertise the resources of the county;

(11) Appropriate county funds for the benefit of colleges located in the county, or colleges located in adjoining counties;

(12) Execute all of its orders consistent with law and within its jurisdiction of all such other matters relating to the levying of taxes as is conferred on the fiscal court by law; and

(13) Exercise all the corporate powers of the county unless otherwise provided by law.

HB 367: AN ACT relating to the open season for game.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 150.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild animal protected by this chapter except during the open season for the particular species as prescribed by the department. The open season for rabbits may be between November 1 and February 1 only, but shall not exceed a total of sixty days, consecutive or otherwise. The open season for mink, opossum, raccoon, skunk, muskrat and red fox may be between November 1 and February 15 only, but shall not exceed a total of sixty days, consecutive or otherwise, except that the department may allow an additional thirty days in which opposum and raccoon may be hunted and taken by dog only. The open season for squirrel may be between September 1 and January 1 only, but shall not exceed a total of ninety days, consecutively or otherwise. The open season for pond, bull or jumbo frogs shall be such period as the department may prescribe. There shall be no open season for otter or beaver.

(2) Subsection (1) of this section shall not apply to persons who hunt red fox at night with dogs for sport and not to kill; but this exception in favor of sportsmen shall not extend to anyone engaged in the business of a fur dealer or a trapper or a professional hunter.

(3) The possession of any wild animals, fur bearers, or the raw fur thereof, when the season is not open for the particular species shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to possession of any such animal or fur by a trapper during the open season as prescribed by the department and fifteen days thereafter, or by a fur buyer during the open season and twenty days thereafter.

HB 405: AN ACT relating to an insurance fund for certain boards of education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 162.440 of the Kentucky Revised Statutes is amended to read as follows:

The Board of Education of any city of the first class or of any city of the second class, or of any county containing a city of the first class or a city of the second class, may, by resolution, establish a fund to be known as the "Insurance Fund" after approval of the plan to administer said fund has been secured from the State Board of Education. The resolution shall state and fix the maximum limit of the fund. The fund shall be maintained separate from the other funds and moneys of the board, and shall be used exclusively for replacing or repairing any injury or destruction to any of the buildings owned by the board or to their contents when caused by fire, tornado, windstorm, cyclone, casualty, explosion, riot or flood, but not when caused by wear and tear or the natural process of decadence or deterioration.

Section 2. Section 162.450 of the Kentucky Revised Statutes is amended to read as follows:

The Board of Education of any city of the first class or of any city of the second class, or of a county containing a city of the first or a city of the second class, may raise the maximum limit of the insurance fund from time to time as it deems best. Until the amount in the fund equals the maximum limit, the Board of Education shall each year, from the revenue under its control, set apart to the fund a sum equal to from one-twentieth to one-tenth of the maximum limit of the fund. When any portion of the fund is used, payments to restore the fund shall at once be begun and be continued until the restoration is complete. When the fund is, for any reason, below the maximum limit, the interest derived from the investment thereof shall be accumulated and added to the fund; otherwise the interest may be transferred to the general funds of the board. The insurance fund shall not be dissolved nor shall the maximum limit thereof ever be lowered except upon the prior approval of the State Board of Education.

HB 406: AN ACT concerning City-County Metropolitan Sewer Districts and amending Section 76.090 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 76.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon taking and assuming control of such existing sewer and drainage system the district is authorized to establish a schedule of rates, rentals, and charges, to be collected from all the real property served by the facilities of such district, and to prescribe the manner in which and time at which such rates, rentals, and charges are to be paid, and to change such schedule from time to time as the district may deem necessary, advisable or expedient. Such schedule may be

based upon either, (a) the consumption of water on premises connected with such facilities, taking into consideration commercial and industrial use of water; or (b) the number and kind of plumbing fixtures connected with such facilities; or (c) the number of persons served by such facilities; or (d) may be determined by the district on any other basis or classification which the district may determine to be fair and reasonable, whether similar or dissimilar to those enumerated; or (e) any combination thereof.

(2) Prior to the final adoption or modification of such schedule, the district shall adopt a proposed schedule and publish notice thereof once a week for three consecutive weeks in a daily newspaper published in the county having the largest circulation therein. The notice so published shall be dated as of the date of first publication thereof and shall state that the proposed or revised schedule of rates, rentals, and charges will remain open for inspection in the office of the district for thirty days from the date of said notice, and that objections thereto in writing may be filed during said period with the district by any person aggrieved thereby. The district shall examine and hear any and all such complaints, may modify the proposed schedule, and shall adopt and establish a final schedule within sixty days after the date of said notice; such schedule however shall not become final within a city of the first class, unless and until it has received the approval of the legislative body of the city of the first class by ordinance approved by the mayor; provided, however, the schedule finally adopted shall be sufficient and adequate to cover the purposes of this chapter. Such schedule shall be uniform for all property falling within the same classification, which classification may be based upon the length of time the property has been in the district, the drainage area within which the property lies or any similar or dissimilar reasonable classification. The schedule so adopted and established shall thereafter be the rates, rentals, and charges for the use of the facilities of the district, until changed in the manner hereinbefore provided. Such schedule of rates, rentals, and charges shall be established and revised from time to time so as to produce aggregate revenues to the district sufficient (a) for the payment of the interest on and principal of all revenue bonds and other obligations of the district; (b) for the payment of all cost and expenses of operating and maintaining the sewer and drainage system of the district, including but not limited to the salaries, wages, and fees of all officers and employes of the district; and (c) for the payment of all cost of renewals and replacements of such system; provided however, that all such expenses, salaries, wages, and fees necessary to or incident to improvements for the accounts of which bonds are issued, may be included as a part of the cost of such improvements and paid from the proceeds of such bonds. The district may collect such sewer rates, rentals, and charges, or cause them to be collected and paid to it by such agencies as it may designate, and with whom it may make such contracts or arrangements as the district deems

proper. The use of all monies of the district received from any and all sources is hereby limited exclusively and shall be devoted solely to the payment of all obligations of the district and board created by this chapter, and no funds from any sources authorized by this chapter shall be diverted to any other purposes than those in this chapter set forth.

(3) Whenever any such sewer rates, rentals or charges for services rendered shall remain unpaid for a period of thirty days after the same shall become due and payable, the district shall declare the said property, the owner thereof, and the user of said service, delinquent until such time as all service rates, rentals and charges are fully paid and may cut off the sewer connection and service. It is hereby declared to be unlawful for any delinquent to use water from any public water service or system and discharge same into a public sewer. No public water service or system shall furnish such delinquent with water to be discharged into a public sewer. The district may enter into agreements with any public water company or service providing for the discontinuance of water service to such delinquents.

HB 438: AN ACT relating to advertising by ophthalmic dispensers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created to read as follows:

No person, firm, partnership, corporation, or other legal entity that practices ophthalmic dispensing within the meaning of the provisions of this Act relating to ophthalmic dispensers shall advertise by any means whatsover, directly or indirectly, the cost or price of visual aid glasses to offer such glasses at a discount or as a premium for the purchase of any article of merchandise; to advertise any reference to or comparison of cost or price of visual aid glasses in any manner whatsover, directly or indirectly; to advertise any type of visual care service as being superior to any other, or to advertise the terms of credit or payment for such glasses.

HB 409: AN ACT relating to strip mining.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 350.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) After July 1, 1954, no operator shall engage in strip mining without having first obtained from the commission a permit, designating the area of land affected by the operation. The permit shall authorize the operator to engage in strip mining upon the area of land described in his application for a period of one year from the date of its issuance; provided, however, that any operator obtaining a permit

for an area of one acre or less, the permit shall be for an indefinite period or until the stripping operation upon the area of land described in the application for such permit has been completed.

(2) An operator desiring a permit shall file an application which shall state:

(a) The location and area of land to be affected by the operation, with a description of access to the area from the nearest public highway;

(b) The owner or owners of the surface of the area of land to be affected by the permit;

(c) The owner or owners of the coal to be mined;

(d) The source of the applicant's legal right to enter the mine the coal on the land affected by the permit;

(e) The permanent and temporary post office addresses of the applicant:

(f) Whether the applicant holds any other permits under this chapter, and an identification of such permits.

(3) A map, certified by the operator as to accuracy, shall be filed showing:

(a) The boundary lines of the area of land to be affected by the operation;

(b) The area of land of each property owner affected;

(c) Property and county lines coming within the scope of the map;

(d) Any available traverse lines of ground survey and their relationship to establish subdivision lines;

(e) Streams and ditches and their direction of flow, standing bodies of water, public highways, railroad tracks, gas and oil wells, overhead and underground transmission lines and pipes coming within the scope of the map.

(4) A basic fee of fifty dollars plus ten dollars for each acre or fraction thereof of the land to be affected by the operation shall be paid. The operator shall file with the commission a bond payable to the Commonwealth of Kentucky wth surety satisfactory to the commission in the penal sum to be determined by the commission of not less than one hundred nor more than two hundred and fifty dollars for each acre or fraction thereof to be affected by the operation, conditioned upon the faithful performance of the requirements set forth in this chapter and by the rules and regulations of the commission. In determining the amount of said bond within the above limitations, the commission shall take into consideration the purposes for which the bond is required, the character and future suitable use of the land involved and the cost of reclamation to be required.

HB 441: AN ACT relating to Social Security for public employes, amending Section 61.430 of the Kentucky Revised Statutes, and declaring an emergency to exist.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.

Section 61.430 of the Kentucky Revised Statutes is amended to read as follows:

"Consistent with the terms and conditions of KRS 61.410 to 61.490, the State Agency, with the approval of the Governor, is hereby authorized to enter on behalf of the Commonwealth into an agreement with the Federal Security Administrator, for the purpose of extending the benefits of the Federal Old-Age and Survivors Insurance System to employes of the Commonwealth or any political subdivision thereof with respect to services specified in such agreements which constitute "employment" as defined in KRS 61.420. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration and other appropriate provisions as the State Agency and Federal Security Administrator shall agree upon, but except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreement shall provide in effect that:

(1) Benefits will be provided for employes whose services are covered by the agreement, and their dependents and survivors, on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act.

(2) The state will pay to the Secretary of the Treasury, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages equal to the sum of taxes which would be imposed by Sections 1400 and 1410 of the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that act.

(3) Such agreement or modification of such agreement shall be effective with respect to services performed after an effective date specified in the agreement or modification thereof, but in no case prior to January 1, 1955, and in no case (other than in the case of an agreement or modification agreed to prior to January 1, 1958) prior to the first day of the calendar year in which such agreement or modification, as the case may be, is agreed to by the Federal Security Administrator and the Commonwealth.

(4) All services which constitute employment and are performed in the employ of the Commonwealth by employes of the Commonwealth shall be covered by the agreement.

(5) All services which (a) constitute employment, (b) are performed in the employ of a political subdivision of the state, and (c) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the State Agency under KRS 61.460, shall be covered by the agreement."

Section 2.

"WHEREAS, many cities of the state are compelled by law to adopt their budgets and fix their tax rates before May 1st of every year and some of said cities may want to enter into an agreement or modification with the Commonwealth before that time, an amergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor."

HB 447: AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) As used in this Act, unless the context otherwise requires:

(a) "Other evidence" means a statement signed by the sheriff of the county in which the owner of such motor vehicle resides, which statement may be stamped or written upon the back of the registration receipt or other receipt issued to the applicant for the preceding year.

(b) "Certificate" or "permit" means the certificate or permits required by KRS 281.615.

(2) No person residing in this state who is required by KRS 186.020 to 186.260 or Chapter 281 to register a motor vehicle in this state or to secure a permit or certificate therefor shall be issued a motor vehicle registration receipt or motor vehicle registration plate or any permit or certificate for such motor vehicle unless he shall, when applying for such receipt and plate or permit or certificate, submit to the Department of Motor Transportation or the county court clerk to whom such application is made a tax receipt, or other evidence, showing that he has paid in full all taxes on personal property, including franchises, subject to taxation in the county in which he resides, which during the year next preceding that for which such registration receipt and plate or permit or certificate are to be issued, fell due and payable by him to the state and to the county in which he resides. Any owner of a motor vehicle who was neither liable for the payment of nor subject to such state and county taxes falling due and payable during such preceding year, shall be deemed to have complied with the requirements of this section if, when applying for such motor vehicle registration receipt and plate or permit or certificate, he shall submit to the Department of Motor Transportation or the county court clerk to whom such application is made a signed statement from the tax commissioner of the county in which he resides, certifiying that such owner was not liable for the payment of such taxes and was not subject to such taxes during such preceding year.

Section 2. (1) No person residing in any city in this state levying and collecting taxes on personal property who is required by KRS 186.020 to 186.260 to register a motor vehicle in this state or to acquire a certificate or permit by KRS 281.615, shall be issued a motor vehicle registration receipt or motor vehicle registration plate or certificate or permit, as the case may be, for such motor vehicle unless he shall when applying for such receipt and such plate or certificate or permit, submit to the Department of Motor Transportation or the county court clerk to whom such application is made, in addition to the information required in Section 1 of this Act, a tax receipt, or other evidence, showing that he has paid in full all taxes on personal property, including franchises, which, during the year next preceding that for which such registration receipt and plate or certificate or permit are to be issued fell due and payable by him to the city in which he resides.

(2) An owner of a motor vehicle who was neither liable for the payment of nor subject to the city taxes referred to in subsection (1) of this section falling due and payable during the year next preceding that for which such motor vehicle registration receipt and plate or certificate or permit are to be issued, shall be deemed to have complied with the requirements of subsection (1) of this section if, when applying for such motor vehicle registration receipt and plate or certificate or permit, he shall submit to the Department of Motor Transportation or the county court clerk to whom such application is made a signed statement from the official charged with the duty of assessing personal property in the city in which he resides, certifying that such owner was not liable for the payment of such taxes and was not subject to such taxes during such preceding year. Nothing contained in this subsection shall be construed to relieve any person of the necessity of complying with the requirements of Section 1 of this Act.

(3) In the event the city in which such owner resides has, pursuant to KRS 136.285, elected to adopt and use the annual assessment of the county in which such city is located as the basis upon which ad valorem tax levies on personal property are made by such cities, the statement referred to in subsection (2) of this section shall be procured from the tax commissioner of such county.

Section 3. Compliance with the provisions of Sections 1 and 2 shall not relieve the owner of any motor vehicle of the necessity of fulfilling all other requirements prescribed by law for the registration of motor vehicles in this state.

HB 452: AN ACT relating to income tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 141.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) The taxes due, as computed under the provisions of KRS 141.020 or under the provisions of KRS 141.025, shall be credited with the following amounts:

(a) Twenty dollars in the case of an unmarried individual;

(b) Forty dollars in the case of a married individual or in the case of a head of a household. If such husband and wife make separate returns, the tax credit allowed by this sub-paragraph may be taken by either or divided between them. The determination of the marital status for purposes of the cerdits allowed under this section shall be made in the manner prescribed in Section 25 (b) (2) of the Internal Revenue Code;

(c) Ten dollars for each dependent other than the first dependent of a head of a household;

(d) An additional ten dollars credit if the taxpayer has attained the age of sixty-five before the close of the taxable year;

(e) An additional ten dollars credit if the taxpayer's spouse has attained the age of sixty-five before the close of the taxable year and a joint return is filed;

(f) An additional ten dolars credit if the taxpayer is blind at the close of the taxable year;

(g) An additional ten dollars credit if the taxpayer's spouse is blind at the close of the taxable year and a joint return is filed.

(2) Nonresidents shall be entitled to the same credits allowed to residents in subsection (1) of this section, whether all or a part only of his total income is earned in this state.

(3) In the case of a fiduciary, other than an estate, the taxes due as computed under KRS 141.020 and KRS 141.030, shall be credited with two dollars.

(4) In the case of an estate, the taxes due as computed under KRS 141.020 and KRS 141.030, shall be credited with twelve dollars.

HB 453: AN ACT relating to motor vehicles, and the operators thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, a "power cycle" means any vehicle, except a farm tractor, with a power plant of not more than five developed horsepower, the maximum speed of which obtainable on level ground using only its own power plant is not more than thirty-five miles per hour, the weight of which, with standard factory equipment, does not exceed three hundred fifty pounds and which does not have more than three wheels in contact with the ground.

Section 2. Section 186.440 of the Kentucky Revised Statutes is amended to read as follows:

An operator's license shall not be granted to:

(1) Any person under the age of sixteen, except as provided in Section 3 of this Act.

(2) Any person whose operator's license has been suspended, during the period of suspension.

(3) Any person whose operator's license has been revoked, nor to any non-resident whose privilege of exemption under KRS 186.430 has been refused or discontinued, until the expiration of one year after the license was revoked or the privilege refused or discontinued.

(4) An habitual drunkard or drug addict.

(5) Any applicant who has previously been adjudged insane or an idiot, imbecile, epileptic or feeble-minded, and who has not at the time of application been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded with a certificate of the superintendent that the applicant is competent. The Department of State Police shall determine by examination that the person is competent to operate a motor vehicle with safety to persons and property.

(6) Any person who in the opinion of the Department of State Police, after examination, is afflicted with such physical or mental disability as prevents him from exercising reasonable and ordinary control over a motor vehicle upon the highways.

(7) Any person who is unable to understand highway warnings or direction signs in the English language.

(8) Any person required by KRS 186.480 to take an examination who has not successfully passed the examination.

(9) Any person required by Chapter 187 to deposit proof of financial responsibility, who has not deposited that proof.

(10) Any person who has not filed a correct and complete application signed in the presence of a person authorized to administer oaths.

Section 3. Any person between the ages of thirteen and sixteen may be granted a special operator's license by the circuit court clerk for the operation of a power cycle as defined in Section 1 of this Act. The holder of the special license prescribed herein shall not operate a power cycle between the hours of 12 midnight and 4:30 A.M.

Section 4. The special operator's license provided for in Section 3 of this Act shall not be issued to any person to operate any power cycle unless a specification chart or other data necessary to establish speed, horse power and weight of the power cycle is furnished by the manufacturer to the Department of Revenue.

Section 5. No special operator's license shall be issued under Section 3 of this Act unless satisfactory evidence is furnished to the circuit clerk that the person to be licensed is physically and mentally developed to such a degree that the operation of a power cycle by him would not be a hazard to public safety.

HB 461: AN ACT relating to Excise Taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.344 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who shall purchase gasoline, on which the tax as imposed by KRS 138.220 has been paid, for the purpose of operating or propelling stationary gasoline engines or tractors for agricultural purposes, shall be reimbursed to the extent of ninety percent of the tax so paid on such gasoline; provided, however, that no refund shall be authorized unless applications therefor and all necessary information shall be filed with the Department of Revenue within ninety days after the close of a calendar year during or in which such purchases were made; or at any time during the calendar year during or in which such purchase was made; and further provided that no refund shall be authorized for purchases of less than fifty gallons.

(2) The only information to be required from the permit holder, by the Department of Revenue, in order that such refund may be allowed, is as follows:

(a) Name and address of permit holder________________permit number ______________

(b) Total number of gallons purchased______________________ (Invoices to be attached to refund application)

(c) Total number of gallons used in tractors on highways ______________

(d) Total number of gallons on which refund is claimed________ (Line b minus line c)

HB 468: AN ACT changing the classification of the City of Corydon in Henderson County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Corydon, in Henderson County, is such as to justify its being assigned to the sixth class of cities.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the City of Corydon, in Henderson County, is hereby transferred from the fifth to the sixth class of cities.

HB 470: AN ACT changing the classification of the City of Frankfort, Franklin County, Kentucky, from a city of the third class to a city of the second class.

WHEREAS, the federal census of 1950 shows a population of 11,916 in the City of Frankfort, Kentucky, and,

WHEREAS, as a result of territory annexed to the City of Frankfort since 1950 and the rapid growth in the population of the City of Frankfort since 1950, the population of the City of Frankfort has more than doubled, and, WHEREAS, the increase since 1950 in electric, water, and gas consumers and telephone subscribers; in building permits; and the number of persons employed by industry; and other relevant evidence, clearly supports the conclusions reported in the 1956 edition of the Economic and Industrial Survey of the City of Frankfort, Kentucky, prepared by the Agricultural and Industrial Development Board of the Commonwealth of Kentucky and the Frankfort Chamber of Commerce, establishing the population of the City of Frankfort to now be in excess of 22,500, and,

WHEREAS, the foregoing and other relevant evidence has established the fact, and the General Assembly so finds, that the population of the City of Frankfort, Kentucky, now exceeds 20,000,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the City of Frankfort, Franklin County, Kentucky, hereby is transferred from a city of the third class to a city of the second class.

HB 475: AN ACT relating to conveyances and encumbrances.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 382.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) Liens by deed or mortgage may be discharged by an entry acknowledging their satisfaction on the margin of the record thereof signed by the person entitled thereto, or his personal representative, and attested by the clerk, or may be discharged by a separate deed of release, which shall recite the date of the instrument and deed book and the page wherein it is recorded. Such release in the case of a mortgage or deed of trust shall have the effect to reinstate the title in the mortgagor or grantor or person entitled, thereto. Such entry acknowledging satisfaction shall be made or deed of release shall be executed within thirty days following satisfaction of the lien.

(2) If a lien or mortgage is released by a deed of release, the clerk shall immediately endorse on the margin of the record wherein the lien is retained "Released by deed of release (stating whether in whole or in part) lodged for record (giving date, deed book and page wherein such deed of release may be found)" and the clerk shall also attest such certificate.

Section 2. Any person who fails to enter the acknowledgement of satisfaction or execute the deed of release required by Section 1 of this Act within the time provided therein shall be fined not less than ten nor more tha none hundred dollars. Each such failure to acknowledge satisfaction or execute deed of release shall be considered a separate offense.

SB 74: AN ACT relating to public offices and officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The Governor shall appoint two officers who shall be special peace officers and who shall serve at the pleasure of the Governor. The Governor may assign such officers to the protection of the Governor's Mansion or any other state property located within the city limits of the City of Frankfort.

(2) During sessions of the General Assembly it shall be the duty of such officers, if so assigned by the Governor, to direct and assist the members of the General Assembly in the parking of their automobiles, to prevent utilization of those areas designated as parking facilities for members of the General Assembly by persons other than members of the General Assembly, and to protect the property of members of the General Assembly located within the confines of their assigned area.

(3) The salary of such officers shall be fixed by the Governor and shall be paid out of the General Assembly Special Police Fund.

Section 2. To carry out the purposes of this Act, there is appropriated from the General Expenditure Fund to the General Assembly Special Police Fund the sum of three thousand dollars for the balance of the 1955-1956 fiscal year; the sum of six thousand dollars for the 1956-1957 fiscal year and the sum of six thousand dollars for the 1957-1958 fiscal year.

Section 3. Whereas the need for the direction and protection provided by this Act is great and immediate, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

HR 12: A JOINT RESOLUTION providing for the purchase and distribution of "The Kentucky State Digest", providing for paying the cost thereof, and making an appropriation for the purpose.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. The Digest Publishing Co., Inc. is authorized and directed to furnish one thousand (1,000) copies of "The Kentucky State Digest" each month for delivery and distribution as hereinafter provided, for which said company shall be paid the sum of one thousand ($1,000.00) dollars per month out of the general expenditure fund.

2. During the time the General Assembly is in session, the distribution of "The Kentucky State Digest" shall be as follows:

(a) One hundred ten (110) copies to the Clerk of the House of Representatives for distribution to the members of the House and to such officers of the House as the Speaker may direct.

(b) Forty-five copies (45) to the Clerk of the Senate for distribution to the members of the Senate and to such officers of the Senate as the President of the Senate may direct.

(c) The remaining copies, not to exceed the grand total of one thousand (1,000) to the Governor and to such departments, agencies, institutions, officers and employees of the Comomnwealth as the Governor may direct. The Governor shall cause the publisher to be furnished with a list of the officers, departments, agencies, institutions, and employees to whom delivery is to be made and the address at which delivery is to be made and the publisher shall bear the expense of delivery to such addresses.

3. When the General Assembly is not in session, the distribution of "The Kentucky State Digest" shall be as follows:

(a) One (1) copy shall be furnished to each member of the Senate and of the House of Representatives at the home address of each and the publisher shall bear the expense of delivery to such addresses.

(b) The remaining copies, not to exceed a grand total of one thousand (1,000) as is set out in 2(c) hereinabove.

4. To carry out the purposes of this resolution, there is appropriated to the Statue Revision Commission the sum of Six Thousand ($6,000.00) Dollars out of the general expenditure fund for the remainder of the 1955-56 fiscal year; Twelve Thousand ($12,000.00) Dollars for the 1956-57 fiscal year; and Twelve Thousand ($12,000.00) Dollars for the 1957-58 fiscal year. The Department of Finance shall issue its warant for payment of the amount of One Thousand ($1,000.00) Dollars per month upon receipt of a voucher for the same, endorsed and approved by the Reviser of Statutes.

Because "The Kentucky State Digest" will contain a currently correct list of state, county, and municipal officers and a monthly report of the actions and activities of the state government through its several departments, commissions, and agencies, which information will be helpful in promulgating legislation and in correlating the activities of said departments, commissions, and agencies, an emergency is declared to exist and this resolution shall be effective upon its passage and approval by the Governor.

HR 46: A CONCURRENT RESOLUTION providing for an extension of time of House Resolution No. 4, providing for an inquiry into and investigation of affairs, activities and management of charitable, penal and eleemosynary institutions of the Commonwealth; providing for the committee to continue to make such inquiry and investigation and prescribing its powers and duties; providing that funds appropriated to the Legislative Research Commission shall be at the disposal of the committee herein provided for, and declaring an emergency.

WHEREAS, the committee established by House Resolution No. 4 needs additional time in which to complete its investigation and make its report.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. The joint committee provided for by House Resolution No. 4, heretofore appointed by the Speaker of the House of Representatives and the President of the Senate, with all its powers, authority, rights, privilges and duties, including the right to subpoena and swear witnesses, and the right to employ and pay assistants, reporters and attorneys for expenses incurred in the performance of the duties set out in House Resolution No. 4 is hereby continued and extended for a period of time extending twenty days, excluding Sundays and legal holidays, beyond the date of adjournment of the General Assembly of the Commonwealth of Kentucky at Regular Session 1956.

Section 2. The committee shall proceed as rapidly as practicable with the inquiry and investigation, and make a preliminary report to the Governor, the Speaker of the House and the President of the Senate of the essential facts developed as soon as practicable and a complete and final report of its findings is to be made to the Governor, the Speaker of the House and the President of the Senate at a special or extraordinary session to be held in 1956.

Section 3. The members of this committee shall be paid twenty-five dollars per day for its services and an additional ten dollars per day for living expenses, for each day between the adjournment of the regular 1956 session of the General Assembly and the first day of the first session or extraordinary session, 1956 of the General Assembly. Each committee member shall also be reimbursed for his actual expenses, other than living expenses, in performance of his work on this committee.

Section 4. Members of this committee are authorized to meet and to carry on its business whether or not the Kentucky General Assembly is in session.

Section 5. Any appropriated funds which have not been expended by the Legislative Research Commission shall be at the disposition of the committee heretofore appointed under House Resolution No. 4 and for the purposes outlined in House Resolution No. 4 and in this resolution. The chairman of the committee may at any time requisition any part or all of the sum so appropriated, and the Department of Finance, upon receiving such requisition, shall issue its warrant upon the State Treasury for the amount requisitioned. Upon receipt of such warrant the State Treasurer shall issue a check payable to the chairman of the committee, and upon receipt of the check the chairman shall cause the amount thereof to be deposited in a bank of his selection within the state. Disbursements from the funds so placed upon deposit may be made upon checks signed by the chairman of the committee, for any purpose authorized by House Resolution No. 4 or this resolution. At the same time the report of findings of the committee is made pursuant to Section 2 of this Resolution, the chairman of the committee shall present an itemized statement of all disbursements of the committee from the deposited funds and shall issue to the State Treasurer, for deposit and credit to the General Expenditure Fund, his check upon the deposited funds for any unexpended balance thereof.

Section 6. Whereas, it is essential that the inquiry and investigation be continued beyond the adjournment of the Regular Session of the 1956 General Assembly, an emergency is declared to exist and this Resolution shall take effect upon its passage and approval by the Governor.

SR 39: A RESOLUTION concerning the preservation and use of the Old Governor's Mansion.

WHEREAS, a proper respect for the history of our Commonwealth and for the great men who served as her Chief Executives from 1796 until 1912 requires the preservation of the Old Governor's Mansion in Frankfort, and

WHEREAS, the policy of the General Assembly as first expressed in 1946 has looked toward such preservation of this historic building, and

WHEREAS, a proper economy requires that the building be used as well as preserved, and

WHEREAS, modern conditions require the almost continual presence of the Lieutenant Governor (or, in the absence of such official, the President Pro-Tem of the Senate) in the City of Frankfort, in connection with his duties as Chairman and Director of the Legislative Research Commission, and for the purpose of serving as Governor whenever the latter official is absent at out-of-state conferences and meetings,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The State Property and Buildings Commission, or any agency to which the control of state property may hereafter be assigned, is directed to cause the Old Governor's Mansion in the City of Frankfort to be repaired and furnished in a style suitable to its preservation as a monument representative of the early history of Kentucky, and the gracious way of life which that Mansion always exemplified.

Section 2. After the repair and refurnishing of said Mansion, the aforesaid Commission or agency shall preserve it for public display on proper occasions. In addition, in order that the building may reach its full usefulness to the Commonwealth, it shall be assigned to the Lieutenant-Governor as his official residence at the seat of government, so that such official may have a proper residence when he is required to be present in Frankfort.

SB 71: AN ACT relating to circuit judges.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Effective July 1, 1956, each regular Circuit Judge, having a circuit court district composed of more than one county, shall be allowed his actual expenses incurred in discharging the duties of his office in those counties in his district other than the county of his residence, to the same extent that officers and employees of the State are allowed expenses under the provisions of KRS 45.180. Claims for such expenses shall be submitted to the Department of Finance in accordance with the applicable law and rules and regulations governing the payment of claims for expenses by the Commonwealth and shall be approved by the Administrative Director appointed pursuant to the provisions of KRS 21.220.

Calendar

HB 337, HB 339, HB 465, HB 335, HB 282, HB 270, HB 467 were taken from the Calendar and ordered read at length for the second time. Ordered placed in the Orders of the Day.

Orders of the Day

HB 251 taken from Orders of the Day on recommendation of Rules Committee, Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Burnley moved the Previous Question. Agreed.

Representative Ockerman moved to amend **HB 251** as follows: "Amend printed copy of HB 251 on page 1, section 1, line 3 by striking the words 'of the second class.'" Motion ruled out of order.

On roll call, the vote was: Yeas 32—Barnum, Baumgardner, Blankenship, Breathitt, Bush, Carter, Davis, Day, Embry, Everett, Farmer, Greene, Griffin, Grigsby, Grundy, Hilton, Holsclaw, Isler, Johnson, McCallum, Morgan, Murphy, Peace, Qualls, V. Reed, H. V. Reid, Searcy, Sloan, Tanner, Walsh, Williamson, Wirsch. Nays 27—Anderson, Breckinridge, Burnley, Casey, Caudill, Conrad, Freeman, Hadden, Heyburn, Hill, Hinkle, D. W. Howard, Mackey, Martin, Moore, Mullins, Nunn, Ockerman, Parrish, Ratcliffe, J. B. Reed, R. Reid, Sr., Reynolds, Stith, Thomas, Thompson, L. B. Wells. **HB 251** was defeated.

Representative Morgan moved that the vote by which said bill was rejected be reconsidered and the motion laid on the table. Agreed.

Senate Mesage

Senate message announcing passage of **SB 101, SB 171, SB 100, SB 115, SB 117, SB 118, SB 124, SR 66, SB 166, SR 30, SR 33, SR 37, SR 45, SR 47, SR 62, HR 19, HB 124** with amendment, **HB 112, HB 37, HB 133, HB 153, HB 147, HB 49,** read by Clerk.

Orders of the Day

HB 124 taken from Clerk. Representative Morgan moved that the House concur in the following Senate amendment: "Amend printed copy of HB 124, on Page 1, line 1, by striking therefrom the word 'shall' and substituting the word 'may.'" Adopted. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 71—Anderson, Barnum, Baumgardner, Blankenship, Breathitt, Breckinridge, Burnley, Bush, Carter, Casey, Conrad, Cornett, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Griffin, Grigsby, Grundy, Hadden, Hahn, Hawkins, Heyburn, Hill, Hilton, Hinkle, Holsclaw, Isler, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McKinney, Melton, Miller, Moore, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Sloan, Stith, Tanner, Thomas, Thompson, Walsh, Wathen, L. B. Wells, Wilson, Young. Nays 1—Wirsch. **HB 124** was passed and the title agreed to.

HB 341 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Morgan moved to amend **HB 341** as follows: "Amend printed copy of House Bill 341 on page 1, lines 3, 8 and 13 as follows: After the Word 'Canada' insert the words 'or Nodding' on lines 3, 8 and 13.'" Adopted. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 42—Anderson, Barnum, Baumgardner, Breathitt, Breckinridge, Burnley, Carter, Caudill, Cornett, Davidson, Davis, Day, Everett, Farmer, Flanery, Freeman, Grigsby, Hadden, Hinkle, Holsclaw, Isler, Johnson, Kubale, McKinney, Melton, Miller, Moore, Mullins, Newsom, Ockerman, Ray, V. Reed, R. Reid, Sr., Reynolds, Searcy, Stith, Tanner, Thompson, Walsh, Wathen, Williamson, Wilson, Nays 23—Bush, Casey, Conrad, Dunsil, Griffin, Hahn, Hislope, D. W. Howard, Jennings, Mackey, McCallum, Nunn, Parrish, Peace, Pollitte, Rayburn, J. B. Reed, H. V. Reid, Saylor, Sloan, Thomas, L. B. Wells, Wirsch. **HB 341** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 286 taken from Orders of the Day on recommendation of Rules Committee. Representative Burnley moved that it be placed on passage. Agreed.

Representative Kubale moved to amend HB 286 as follows: "Amend printed copy of **HB 286** on page 1 section 1, line 1 and 2 by striking the entire Section 1." Adopted. Read at length the third time as amended. Representative Burnley moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 61—Anderson, Barnum, Baumgardner, Breathitt, Breckinridge, Burnley, Bush, Carter, Casey, Conrad, Cornett, Davidson, Davis, Everett, Farmer, Flanery, Freeman, Gay, Griffin, Grigsby, Grundy, Hadden, Hahn, Hawkins, Heyburn, Hill, Hinkle, Holsclaw, Isler, Jennings, Kubale, Mackey, McCallum, McKinney, Melton, Miller, Moore, Mullins, Murphy, Newsom, Ockerman, Parrish, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Wathen, Williamson, Wilson, Wirsch, Young. Nays 0 **HB 286** was passed and the title agreed to.

Representative Holsclaw moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 284 taken from Orders of the Day on recommendation of Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 63—Anderson, Barnum, Baumgardner, Breathitt, Breckinridge, Burnley, Bush, Casey, Conrad, Davis, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Griffin, Grigsby, Grundy, Hadden, Hawkins, Heyburn, Hill, Hilton, Hislope, Holsclaw, D. W. Howard, Isler, Jennings, Kubale, Mackey, Martin, McCallum, McKinney, Miller, Moore, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Walsh, Wathen, Wilson, Wirsch, Young. Nays 0. **HB 284** was passed and the title agreed to.

Representative Holsclaw moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 297 taken from Orders of the Day on recommendation of Rules Committee. Representative Burnley moved that it be placed on passage. Agreed. Read at length the third time. Representative Burnley moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 51—Anderson, Barnum, Baumgardner, Breathitt, Breckinridge, Burnley, Casey, Conrad, Day, Dunsil, Embry, Farmer, Flanery, Freeman, Gay, Grigsby, Grundy, Heskamp, Heyburn, Hill, Hilton, Hislope, Holsclaw, Isler, Kubale, Lowman, Mackey, Martin, Mullins, Newsom, Nunn, Ockerman, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Stith, Tanner, Thomas, Thompson, Walsh, Wathen, L. B.

Wells, Wilson, Wirsch. Nays 9—Bush, Hahn, Hawkins, D. W. Howard, Melton, Parrish, Peace, Saylor, Young. **HB** 297 was passed and the title agreed to.

Representative Holsclaw moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 333 taken from Orders of the Day on recommendation of Rules Committee. Representative Burnley moved to place on passage. Agreed.

Representative Wathen moved to amend **HB** 333 as follows: "Amend printed copy of HB 333 on page 2, section 2, line 8, by striking the word 'nine' and substituting in lieu thereof the word 'ninety.' " Adopted.

HB 333 as amended read at length the third time. Representative Burnley moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 61—Anderson, Barnum, Baumgardner, Breckinridge, Burnley, Bush, Casey, Conrad, Davidson, Dunsil, Embry, Everett, Farmer, Flanery, Gay, Griffin, Grigsby, Grundy, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Hilton, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Lowman, Mackey, Martin, McKinney, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, Reynolds, Saylor, Searcy, Tanner, Thomas, Thompson, Walsh, Wathen, L. B. Wells, Williamson, Wilson. Nays 0. **HB** 333 was passed and the title agreed to.

Representative Holsclaw moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 334 taken from Orders of the Day on recommendation of Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 66—Anderson, Barnum, Baumgardner, Breckinridge, Burnley, Bush, Carter, Casey, Cornett, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Gay, Griffin, Grigsby, Grundy, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Hilton Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Lambert, Mackey, Martin, McKinney, Miller, Moore, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Walsh, Wathen, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB** 334 was passed and the title agreed to.

Representative Holsclaw moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 220 taken from Orders of the Day on recommendation of Rules Committee. Representative Morgan moved that it be placed on passage. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 54—Anderson, Barnum, Baumgardner, Breathitt, Breckinridge, Burnley, Bush, Carter, Conrad, Cornett, Davidson, Davis, Dunsil, Embry, Farmer, Flanery, Freeman, Gay, Grigsby, Grundy, Hadden, Hahn, Hawkins, Heyburn, Hill, Hilton, Holsclaw, C. S. Howard, Isler, Lowman, Mackey, Martin, Melton, Moore, Morgan, Murphy, Newsom, Ockerman, Parrish, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, Reynolds, Saylor, Searcy, Sloan, Stith, Thomas, Walsh, Wathen, L. B. Wells, Wirsch. Nays 5—Day, Griffin, Mullins, Nunn, Peace. **HB 220** was passed and the title agreed to.

Representative Holsclaw moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 155 taken from Orders of the Day on recommendation of Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Williamson moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 62—Anderson, Barnum, Baumgardner, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Conrad, Cornett, Davis, Day, Dunsil, Embry, Farmer, Flanery, Freeman, Gay, Grigsby, Grundy, Hadden, Hawkins, Heskamp, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Johnson, Lambert, Mackey, McKinney, Melton, Miller, Moore, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Ray, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Wathen, Weintraub, Williamson, Wilson, Wirsch. Nays 2—Hill, Martin. **HB 155** was passed and the title agreed to.

Representative Holsclaw moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 28 taken from Orders of the Day on recommendation of Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 74—Anderson, Barnum, Baumgardner, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Conrad, Cornett, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Griffin, Grigsby, Grundy, Hadden, Hahn, Hawkins, Heskamp, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Jennings, Kubale, Lambert, Mackey, Martin, McCallum, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Parrish, Peace, Pollitte, Ratcliffe, Ray, Rayburn,

J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Walsh, Wathen, Weintraub, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 28** was passed and the title agreed to.

Orders of the Day

HB 213 taken from Orders of the Day on recommendation of Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Bridgers moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 69—Anderson, Barnum, Baumgardner, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Conrad, Cornett, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Grigsby, Grundy, Hadden, Hahn, Hawkins, Heyburn, Hill, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Jennings, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, Melton, Miller, Moore, Morgan, Murphy, Newsom, Nunn, Ockerman, Peace, Pollitte, Ratcliffe, Ray, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Wathen, Weintraub, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 213** was passed and the title agreed to.

Representative Holsclaw moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

Introduction of Bills and Resolutions

HB 477, by Representative Hilton: AN ACT relating to wages and hours for women or minors.

HB 478, by Representatives Morgan and Wathen: AN ACT relating to revenue and taxation.

HB 479, by Representatives Morgan and Wathen: AN ACT relating to tax on use of gasoline.

HB 480, by Representatives Morgan and Thomas: AN ACT relating to revenue and taxation.

HB 481, by Representatives Morgan and H. V. Reid: AN ACT relating to school districts.

HB 482, by Representatives Morgan, H. V. Reid and Ed Thomas: AN ACT relating to the rehabilitation of the handicapped.

HB 483, by Representatives H. V. Reid, Hinkle, Bates and Moore: AN ACT relating to school districts.

HB 484, by Representatives C. S. Howard, Embry and Stith: AN ACT to prohibit leaving of infant children unattended.

HB 485, by Representative Burnley: AN ACT relating to motor vehicles.

HB 486, by Representative Thomas: AN ACT relating to school districts.

HB 487, by Representative Thomas: AN ACT relating to school districts.

HB 488, by Representative H. V. Reid: AN ACT relating to third-class cities.

HB 489, by Representative Walsh: AN ACT relating to the regulation of carpenters and carpentry.

HB 490, by Representative Davidson: AN ACT relating to cities of the second class.

HB 491, by Representative Burnley: AN ACT relating to trade practices.

Report on Enrolled Bills

HB 4, HB 8, HB 11, HB 53, HB 55, HB 57, HB 58, HB 63, HB 70, HB 71, HB 72, HB 75, HB 97, HB 106, HB 108, HB 119, HB 114, HB 126, HB 179 signed by President of the Senate. Ordered delivered to the Governor.

Representative Morgan moved to adjourn until 1 P. M., February 8. Agreed.

WEDNESDAY, FEBRUARY 8, 1956

THIRTIETH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Robert J. Laughlin, First Presbyterian Church, Frankfort.

Roll Call showed all present except Representatives: Beshear, Billington, Blue, Buchanan, Caudill, Cottengim, Embry, Everett, Greene, Harris, Highland, D. W. Howard, Nunnelley, Parrish, who were granted leave of absence on motion of Representative Morgan.

Representative Isler moved that reading of February 7 Journal be dispensed with and that the same be approved. Agreed.

Calendar

HB 121, HB 226, HB 259, HB 279, HB 340, HB 348, HB 357, HB 367, HB 405, HB 406, HB 438, HB 409, HB 441, HB 447, HB 452, HB 453, HB 461, HB 468, HB 470, HB 475, SB 74, HR 12, HR 46, SR 39, SB 71 were taken from the Calendar and ordered read at length for the second time. Ordered placed in the Orders of the Day.

Report of Committees

The Rules Committee reported **SR 15, SB 124, SB 138, SB 118, SB 100, SB 51, SB 88, SB 72, SB 117, SB 53, SB 115, SB 83, SB 75, SB 24, SB 105, SB 91, SB 12, SB 52, HR 7, HR 8, HR 10, HR 17, HR 20, HR 22, HR 29, HR 34, HR 35, HR 36, HR 42, SB 34** with expression of opinion that same should pass. Said bills were read at length for the first time and ordered placed in the Calendar.

SR 15, A JOINT RESOLUTION authorizing Paul Collins, the administrator of the estate of Paul Reed Collins, to sue the Commonwealth of Kentucky, and the Department of State Police of the Commonwealth of Kentucky, or either.

WHEREAS, on or about February 2, 1955 Paul Reed Collins, age nine years, was crossing Kentucky Highway No. 80, just east of Russell Springs, he was run over and killed by a car belonging to and in charge of the Department of State Police. Said car was being operated by Sgt. Shelby E. Riggs, who was then and there within the course and scope of his employer.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Paul Collins, the administrator of the estate of Paul Reed Collins, is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Department of State Police of the Commonwealth of Kentucky, or either, in the Russell Circuit Court, this being the County in which the death of Paul Reed Collins occurred.

Section 2. The said suit of Paul Collins, administrator of the estate of Paul Reed Collins, shall be for an amount not exceeding $10,000.

Section 3. The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth of Kentucky and the Department of State Police of the Commonwealth of Kentucky, or either of them, and settle said claim before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by said settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

Section 4. No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky and the Department of State Police of the Commonwealth of Kentucky, or either of them, and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

SB 124, AN ACT to prevent unfair competition and unfair trade practices in the sale of cigarettes; to prohibit sales of cigarettes below cost with intent to injure competitors or to destroy or substantially lessen competition; to protect and stabilize the collection of taxes on the sale of cigarettes and of revenues from the licensing of persons engaged in the sale of cigarettes; to confer powers and impose duties on the State Department of Revenue and on persons, as herein defined, engaged in the sale of cigarettes at wholesale or retail; and to provide remedies and impose penalties for violations thereof.

WHEREAS, Unfair, dishonest, deceptive, destructive and fraudulent business practices existing in transactions involving the sale of, offer to sell, or inducement to sell, cigarette in the wholesale and retail trades in this State have been and are demoralizing and disorganizing the said trades; and

WHEREAS, The advertising, offering for sale, or sale of cigarettes below cost in the wholesale and retail trade with the intent of injuring competitors or destroying or substantially lessening competition, is an unfair and deceptive business practice; and

WHEREAS, Such practices adversely affect the collection of taxes from the sale of cigarettes and license fees imposed on wholesalers and retailers and others engaged in the sale of cigarettes; and

WHEREAS, It is hereby declared to be the policy of this Commonwealth to promote the public welfare by prohibiting such sales, and to foster and encourage competition by prohibiting unfair, dishonest, deceptive, destructive, fraudulent discriminatory practices by which fair and honest competition is destroyed or prohibited, and it is the purpose of this act to carry out that policy in the public and in the Commonwealth's interest; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. SHORT TITLE. This Act shall be known and may be cited as the "Act to Prevent Unfair Cigarette Sales In Kentucky".

2. DEFINITIONS. When used in any part of this Act, the following words, terms and phrases and any variations thereof required by the context, shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning:

a. "Person" shall mean and include any individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, the Commonwealth of Kentucky and any municipal corporation or other political subdivision of this State, trust, receiver, trustee, fiduciary, conservator.

b. "Commissioner" shall mean the Commissioner of Revenues of the Commonwealth of Kentucky.

c. "Department" shall mean the Department of Revenue.

d. "Cigarettes" shall mean and include any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material, excepting tobacco.

e. "Wholesaler" shall mean any person, wherever resident or located, who sells cigarettes at wholesale or distributes cigarettes to be sold at retail, and it includes any manufacturer, distributor, jobber, broker, agent or other person, whether or not enumerated in this subsection, who so sells or so distributes cigarettes.

f. "Retailer" shall mean and include any person who sells cigarettes in this State to a consumer or to any person for any purpose other than resale.

g. "Sale" or "sell" shall mean any transfer for a consideration, exchange, barter, gift, offer for sale, advertising for sale, soliciting an order for cigarettes and distribution in any manner or by any means whatsoever.

h. "Sell at wholesale", "sale at wholesale" and "wholesale sales" shall mean and include any sale made in the ordinary course of trade or usual conduct of the wholesaler's business to a retailer for the purpose of resale.

i. "Sell at retail," "sale at retail", or "retail sales" shall mean and include any sale for consumption or use made in the ordinary course of trade or usual conduct of the seller's business.

j. "Basic cost of cigarettes" shall mean whichever of the two following amounts is lower, namely, (1) the invoice cost of cigarettes to the wholesaler or retailer, as the case may be, or (2) the lowest replacement cost of cigarettes to the wholesaler or retailer, as the case may be, within thirty days prior to the date of sale, in the quantity last purchased (whether within or before the said thirty-day period), less, in either of said two cases, all trade discounts except customary discounts for cash, plus the full face value or any stamps or any tax which may be required by any cigarette tax act of this State or political subdivision thereof, now in effect or hereafter enacted, if not already included in the invoice cost of the cigarettes to the wholesaler or retailer, as the case may be.

k. (1) "Cost to wholesaler" shall mean the basic cost of the cigarettes involved to the wholesaler plus the cost of doing business by the wholesaler, as evidenced by the standards and methods of accounting regularly employed by him, and must include, without limitation, labor costs (including salaries of executives and officers) rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising.

(2) In the absence of proof of a lesser or higher cost of doing business by the wholesaler making the sale, the cost of doing business by the wholesaler shall be presumed to be two per centum (2%) of the basic cost of the said cigarettes to the wholesale dealer, plus cartage to the retail outlet, if performed or paid for by the wholesale dealer, which cartage cost, in the absence of proof of a lesser or higher cost, shall be presumed to be three-fourths of one per centum (¾ of 1%) of the basic cost of the said cigarettes to the wholesaler.

l. (1) "Cost to the retailer" shall mean the basic cost of cigarettes involved to the retailer plus the cost of doing business by the retailer as evidenced by the standards and methods of accounting regularly employed by him and must include, without limitation, labor (including salaries of executives and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising.

(2) In the absence of proof of a lesser or higher cost of doing business by the retailer making the sale, the cost of doing business by the said retailer shall be presumed to be eight per centum (8%) of the basic cost of cigarettes to the said retailer.

(3) In the case of any retailer who in connection with the said retailers purchase of any cigarettes shall receive not only the discounts ordinarily allowed upon purchases by a retailer, but also in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, the cost of doing business by the said retailer with respect to the said cigarettes shall be, in the absence of proof of a

lesser or higher cost of doing business by the said retailer, the sum of the cost of doing business by the retailer and, to the extent that he shall have received the full discounts ordinarily allowed to a wholesaler, the cost of doing business by a wholesaler as hereinabove defined in sub-division K (2).

3. SALES AT LESS THAN COST; PENALTY.

a. It shall be unlawful for any wholesaler or retailer, with intent to injure competitors or destroy or substantially lessen competition, to advertise, offer to sell, or sell, at wholesale or retail, cigarettes at less than cost to such wholesaler or retailer, as the case may be, as defined in this Act. It shall be unlawful for any wholesaler or retailer with intent to injure competitors or destroy or substantially lessen competition to offer a rebate in price, to give a rebate in price, to offer a concession of any kind or to give a concession of any kind or nature whatsoever in connection with the sale of cigarettes. It shall be unlawful for any retail dealer to induce or attempt to induce or to procure or attempt to procure the purchase of cigarettes at a price less than "cost to wholesaler" and it shall be unlawful for any retail dealer to induce or attempt to induce or to procure or attempt to procure any rebate or concession of any kind of nature whatsoever in connection with the purchase of cigarettes. Any wholesaler or retailer who violates the provisions of this section shall be guilty of a misdemeanor and be punishable by fine of not more than five hundred dollars ($500.00).

b. Evidence of advertisement, offering to sell, or sale of cigarettes by any wholesaler or retailer at less than cost to him, or evidence of any offer of a rebate in price or the giving of a rebate in price or an offer of a concession or the giving of a concession of any kind or nature whatsoever in connection with the sale of cigarettes or the inducing or attempt to induce or the procuring or the attempt to procure the purchase of cigarettes at a price less than cost to the wholesaler or the retailer, as defined in this Act, shall be prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

4. COMBINATION SALES. In all advertisements, offers for sale or sales involving two or more items, at least one of which items is cigarettes, at a combined price, and in all advertisements, offers for sale, or sales, involving the giving of any gift or concession of any kind whatsoever (whether it be coupons or otherwise), the wholesaler's or retailer's combined selling price shall not be below the cost to the wholesaler or the cost to the retailer, respectively, of the total of all articles, products, commodities, gifts and concessions included in such transactions, except that if any such articles, products, commodities, gifts or concessions, shall not be cigarettes, the basic cost thereof shall be determined in like manner as provided in subdivision "j" of Section 2.

5. SALES BY A WHOLESALER TO A WHOLESALER. When one wholesaler sells cigarettes to any other wholesaler, the former shall not be required to include in his selling price to the latter, "cost to the wholesaler", as provided by Section 2 of this act, but the latter wholesaler, upon resale to a retailer, shall be subject to the privisions of said section.

6. SALES EXCEPTIONS. The provisions of this act shall not apply to a sale at wholesale or a sale at retail made (a) in an isolated transaction and not in the usual course of business; (b) where cigarettes are advertised, offered for sale, or sold in a bona fide clearance sale for the purpose of discontinuing trade in such cigarettes and said advertising, offer to sell, or sale shall state the reason thereof and the quantity of such cigarettes advertised, offered for sale, or to be sold; (c) where cigarettes are advertised, offered for sale, or sold as imperfect or damaged, and said advertising, offer to sell, or sale shall state the reason therefor and the quantity of such cigarettes advertised, offered for sale, or to be sold; (d) where cigarettes are sold upon the final liquidation of a business; or (e) where cigarettes are advertised, offered for sale, or sold by any fiduciary or other officer acting under the order or direction of any court.

7. TRANSACTIONS PERMITTED TO MEET LAWFUL COMPETITION.

a. Any wholesaler may advertise, offer to sell or sell cigarettes at a price made in good faith to meet the price of a competitor who is rendering the same type of service and is selling the same article at cost to the said competing wholesaler as defined by this Act. Any retailer may advertise, offer to sell or sell cigarette at a price made in good faith to meet the price of a competitor who is selling the same article at cost to the said competing retailer as defined in this Act. The price of cigarettes advertised, offered for sale, or sold under the exceptions specified in section 6 shall not be considered the price of a competitor and shall not be used as a basis for establishing prices below cost, nor shall the price established at a bankrupt sale be considered the price of a competitor within the purview of this section.

b. In the absence of proof of the actual cost to the said competing wholesaler or to the said competing retailer, as the case may be, such cost may be presumed to be the lowest cost to wholesaler or the lowest cost to retailer, as the case may be, within the same trading area as determined by a cost survey made pursuant to section 9-b.

8. SALES CONTRACTS VOID. Any contract, expressed or implied, made by any person in violation of any of the provisions of this act, is illegal and void and no recovery shall be had thereon.

9. ADMISSIBLE EVIDENCE.

a. In determining cost to the wholesaler and cost to the retailer the court shall receive and consider as bearing on the bona fides of such cost, evidence tending to show that any person complained against under any of the provisions of this act purchased the cigarettes involved in the complaint before the court, at a fictitious price, or upon the terms, or in such a manner, or under such invoices, as to conceal the true cost, discounts or terms of purchase, and shall also receive and consider as bearing on the bona fides of such cost, evidence of the normal, customary and prevailing terms and discounts in connection with other sales of similar nature in the trade area or State.

b. Cost Survey. Where a cost survey pursuant to recognized statistical and cost accounting practices has been made for the trading area in which a violation of this act is committed or charged, to determine and establish on the basis of actual existing conditions the lowest cost to wholesalers or the lowest cost to retailers within the said area, the said cost survey shall be deemed competent evidence in any action or proceeding under this act as tending to prove actual cost to the wholesaler or actual cost to the retailer complained against, but any party against whom any such cost survey may be introduced in evidence shall have the right to offer evidence tending to prove any inaccuracy of such cost survey or any state of facts which would impair its probative value.

10. SALES OUTSIDE ORDINARY CHANNELS OF BUSINESS; EFFECT. In establishing the basic cost of cigarettes to a wholesaler or a retailer it shall not be permissible to use the invoice cost or the actual cost of any cigarettes purchases at a forced, bankrupt, or closeout sale, or other sale outside of the ordinary channels of trade.

11. REMEDIES.

a. The State Department of Revenue, or any person injured by any violation, or who would suffer injury from any threatened violation of this act, may maintain an action in any court of equitable jurisdiction to prevent, restrain, or enjoin such violation or threatened violation. If in such action a violation or threatened violation of this act shall be established the court shall enjoin and restrain, or otherwise prohibit, such violations or threatened violation, and in addition thereto, the court shall assess in favor of the plaintiff and against the defendant the cost of suit including reasonable attorney's fees. In such action it shall not be necessary that actual damages to the plaintiff be alleged or proved, but where alleged and proved, the plaintiff in said action, in addition to such injunctive relief and costs of suit, including reasonable attorney's fees, shall be entitled to recover from the defendant the actual damages sustained by him.

b. In the event that no injunctive relief is sought or required, any person injured by a violation of this act may maintain an action for damages and costs of suit in any court of general jurisdiction.

12. STATE DEPARTMNT OF REVENUE; POWERS AND DUTIES. The State Department of Revenue shall prescribe, adopt, and enforce rules and regulations for the enforcement of this act and it is empowered to and may from time to time undertake and make or cause to be made one or more cost surveys for the state or such trading area or areas as it shall define and when each such cost survey shall have been made by or approved by the said department it shall be permissible to use such cost survey as provided in section 7-b and 9-b of this act.

The department may, upon otice and after hearing, revoke or suspend any license issued under provisions of KRS 137.040—137.050—137.070 and the rules and regulations of said department promulgated thereunder, for failure of any person to comply with any provisions of this act or any rule or regulation adopted thereunder.

All of the powers vested in the Commissioner and Department of Revenue by the provisions of the Cigarette Tax Law shall be available for the enforcement of this Act To Prevent Unfair Cigarette Sales In Kentucky.

Any person aggrieved by any decision, order or finding of said department, suspending or revoking any such license, may appeal therefrom to the Kentucky Tax Commission by filing a petition of appeal with said commission in the manner and form and within the time and subject to such terms and conditions as said commission shall by rules prescribe.

The judgment or order of said commission may be reviewed by a court of competent jurisdiction in the Commonwealth.

13. LICENSE. After the effective date of this act, no person shall engage in or conduct the business of purchasing for resale or selling cigarettes without having first obtained the appropriate license for that purpose.

Any person licensed only as a wholesaler shall not operate as a retailer unless the appropriate license therefor is first secured, and any person licensed only a retailer shall not operate as a wholesaler unless the appropriate license therefor is first secured.

14. PARTIAL UNCONSTITUTIONALITY. The provisions of this act shall be deemed to be severable and if for any reason any provision shall be determined to be unconstitutional or invalid, such determination shall not be held to affect any other provision hereof.

SB 138, AN ACT relating to juries in police courts in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In any county containing a city of the second class, the circuit judge, or where the court has divisions, the judge of the common-law and equity division, shall, at the same time that he draws the names of circuit court jurors pursuant to KRS 29.135, draw sufficient additional names to procure a list of twenty-four names of persons resident within the city. This list of twenty-four names shall be certified by the judge who drew them, sealed in an envelope and delivered forthwith to the judge of the police court.

Section 2. Subsection (2) of Section 26.400 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class, the police court may use a jury in any case, and where the penalty may be a fine of twenty-five dollars or more or imprisonment, other than in commutation of a fine, the accused may, at or before the time the case is called for trial, demand a jury. The judge shall direct any police officer to summons from the list of jurors provided pursuant to Section 1 of this Act, and at least three days before they are required to appear, such number of jurors as the judge shall designate. If necessary to provide time to summons jurors the judge shall continue the case. The court shall have the same power of circuit courts to hold or excuse the attendance of jurors. If the court is unable to obtain a jury from the regular jury panel, the judge may order any police officer to summon sufficient bystanders to complete the jury. Police court jurors shall receive the same fees as are paid to circuit court jurors.

SB 118, AN ACT relating to banks and banking.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 287.405 of the Kentucky Revised Statutes is amended to read as follows:

"(1) No revocation, countermand or stop-payment order relating to the payment of any check or draft against an account of a depositor in any bank shall remain in effect for more than six months after the service thereof on the bank, unless the same be renewed, which renewals shall be in writing and which renewals shall be in effect for not more than six months from date of service thereof on the bank, but such renewals may be made from time to time.

'(2) No notice affecting a check upon which revocation countermand or stop-payment order has been made before July 1, 1956, shall be deemed to continue for a period of more than six months thereafter."

Section 2. A new section of Kentucky Revised Statutes to be known as KRS 287.410 is created to read as follows:

"Where a check or other instrument payable on demand at any bank is presented for payment more than one year from its date, such bank may, unless expressly instructed by the drawer or maker to pay the same, refuse payment thereof and no liability shall thereby be incurred to the drawer or maker for dishonoring the instrument by nonpayment."

SB 100, AN ACT relating to primary elections, amending KRS 119.040

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 119.040 of the Kentucky Revised Statutes is amended to read as follows:

The primary election for the nomination of candidates by political parties to be voted for at the next regular election shall be held on the second Tuesday in June of each year between the hours of 6 A.M. and 5 P.M., at the regular polling places in each election precinct.

SB 51, AN ACT relating to cities of all classes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. All cities are hereby authorized to sell any real estate owned by them and surplus to their needs, when the public purpose to which said real estate has been dedicated has been abandoned as to said real estate.

SB 88, AN ACT relating to filing of ordinances for public works and franchises.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 89.230 of the Kentucky Revised Statutes is amended to read as follows:

Every ordinance or resolution ordering the construction or reconstruction of any street or sewer in a city of the second or fourth class, or any public work in a city of the third class, or making or authorizing any contract involving the expenditure of more than one thousand dollars in a city of the second class, five hundred in a city of the third class, or five hundred dollars in a city of the fourth class, or granting any franchise or the right to use or occupy the streets, highways, bridges or public places of the city for any except a merely temporary purpose shall, after its introduction and before its adoption, remain on file at least one week for public inspection in the completed form which it shall be put upon its final passage. No such ordinance or resolution shall go into effect until the expiration of ten days after its passage, except when in case of emergency, the public health or safety requires that it take effect immediately. The fact of an emergency shall be declared by the unanimous vote of the board of commissioners.

SB 72, AN ACT amending Section 416.130 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 416.130 of the Kentucky Revised Statutes hereby is amended by repealing said section in its entirety and reenacting it, so that as amended and reenacted it will read as follows:

(1) Every corporation organized for the purpose of constructing, or empowered to construct, a dam in any stream in this state for the purpose of improving navigation or developing, distributing and selling water power or electricity, and every corporation authorized under the laws of this state to conduct the business of producing and supplying electricity for the purpose of light, heat or power, may cause examinations and surveys to be made for its proposed dams, reservoirs, ponds, locks, bridges, power stations, roads, conduits and transmission lines, as well as the land that may be overflowed by the erection of any dam or other structure, and for such purposes may, by its officers, agents or servants, enter from time to time upon any lands or waters for the purpose of making such surveys or examinations, subject to liability for actual damage done. Before entering upon any land for such purposes, the corporation shall deposit with the clerk of the county in which the property is located, a bond to the Commonwealth in a penal sum fixed by the county court at not more than double the last assessed valuation of the property to be surveyed or examined, conditioned to indemnify all persons for actual damages sustained on account of making any examination or survey. When the location of the dam or other structure, and the land that may be overflowed by the erection of the dam, is determined, the corporation shall cause a survey and map to be made of the land to be taken and entered upon, which map shall be signed by the president and secretary and filed in the office of the clerk of the county court of the county in which the land shown on the map is situated.

(2) When any such corporation cannot, by agreement with the owner, acquire the property rights, privileges or easements needed for any of the uses or purposes referred to in Section (1), the corporation may condem such property, property rights, privileges or easements either in the manner provided in KRS 416.010 to 416.080, or in the manner provided by KRS 416.230 to 416.310. A corporation may elect to proceed under either of the aforesaid acts. Any corporation constructing or maintaining such dam shall be liable for any damages resulting from overflowing any property, public or private.

SB 117, AN ACT relating to banks and banking.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 287.030 of the Kentucky Revised Statutes is amended to read as follows:

"(1) No persons as individuals or copartners shall engage in the business of private banking in this state.

"(2) No bank or banking institution incorporated under the laws of another state shall transact any banking business in this state except to lend money.

"(3) No person shall, directly or indirectly, hold or own more than one-half of the capital stock of a bank or trust company, exclusive of stock held as collateral; but there is no limitation on the amount of capital stock that may be held by the United States or by a corporation in which the United States owns or holds a majority of the stock.

"(4) No bank incorporated under the laws of the Commonwealth of Kentucky shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, except that a bank may take property of any kind to satisfy or protect a loan previously made in good faith and in the ordinary course of business; and stock so purchased or acquired, shall, within six months from the time of its purchase, be sold or disposed of at public or private sale."

This sub-section shall not affect or modify in any way KRS 386.025, but said section shall remain in full force and effect.

SB 53, AN ACT relating to guardians, committees and curators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 387.280 of the Kentucky Revised Statutes is amended to read as follows:

Whenever a person under disability, having no guardian or committee, is entitled to receive a sum not exceeding one thousand dollars, exclusive of interest, in any action wherein real estate has been sold or in the settlement of any estate or from any other source, the court in which the action is pending, or, if the sum does not derive from such action, the county court, may order the sum to be paid to the person having custody of such ward. Before entering the order, the court shall be satisfied by affidavit or oral testimony that the ward is in the custody of the person to whom it is proposed to pay the money, and the latter, upon withdrawal of the money, shall be under obligation as trustee to expend it for the support, maintenance or education of the ward. When the order is made no bond shall be required of the person having custody of the ward and the purchaser of real property may pay the share into court, and no lien shall remain on the property therefor and the money may be withdrawn by the person mentioned in the order without his giving bond. A release executed by the person to whom the court has ordered the sum paid shall have the same effect as a release by a duly appointed guardian or committee.

SB 115, AN ACT relating to the collection, payment and dishonor of demand items by banks and the revocation of credit for, and payment of, such items.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

"(1) In any case in which a bank receives, other than for immediate payment over the counter, a demand item payable by, at or through such bank and gives credit therefor before midnight of the day of receipt, the bank may have until midnight of its next business day after receipt within which to dishonor or refuse payment of such item. Any credit so given, together with all related entries on the books of the receiving bank, may be revoked by returning the item, or if the item is held for protest or at the time is lost or is not in the possession of the bank, by giving written notice of dishonor, nonpayment, or revocation; provided that such item or notice is dispatched in the mails or by other expeditious means not later than midnight of the bank's next business day after the item was received. For the purpose of determining when notice of dishonor must be given or protest made under the law relative to negotiable instruments, an item duly presented credit for which is revoked as authorized by this section, shall be deemed dishonored on the day the item or notice is dispatched. A bank, revoking credit pursuant to the authority of this section, is entitled to refund of, or credit for, the amount of the item.

"(2) For the purposes of this section: (a) An item received by a bank on a day other than its business day, or received on a business day after its regular business hours or during afternoon or evening periods when it has reopened or remained open for limited functions, shall be deemed to have been received at the opening of its next business day: (b) The term "credit" includes payment, remittance, advice of credit, or authorization to charge and, in cases where the item is received for deposit as well as for payment, also includes the making of appropriate entries to the receiving bank's general ledger without regard to whether the item is posted to individual customers' ledgers; and (c) Each branch or office of a bank shall be deemed a separate bank.

"(3) The effect of this section may be varied by agreement."

SB 83, AN ACT relating to the power of cities to furnish water and police water supply systems.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The legislative body of any city of the second, third, fourth, fifth or sixth class may by ordinance:

(a) Provide the city with water; establish, regulate and control public cisterns, hydrants and reservoirs, together with extensions and appurtenances thereto, within or without the limits of the city, for fire protection and the use and convenience of its inhabitants.

(b) Provide for the enforcement of said regulations for the health, welfare and well-being of its inhabitants.

(2) Whenever cisterns, hydrants, reservoirs or any other portion of a waterworks system owned by any city set forth in subsection (1) of this Act is located in whole or in part outside the city limits of any such city, the city may provide police protection as is necessary to prevent damage to or destruction of such property and to safeguard the water supply of the city from possible contamination.

Section 2. Whereas, there exists a present and immediate need for the establishment and safeguarding of water supply systems in many cities of this state, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

SB 75, AN ACT relating to the State Racing Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 230.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Racing Commission shall be an agency independent of state administrative departments.

(2) The commission shall consist of seven persons appointed by the Governor, three of whom shall be breeders and raisers of thoroughbred stock, and no two of whom shall be members of the same racing association. The members of the commission shall hold their offices for a term of four years.

(3) The commission shall biennially make a full report to the General Assembly of its proceedings for the two-year period ending December 1 preceding the meeting of the General Assembly, and shall embody in the report such suggestions and recommendations as it deems desirable.

SB 24, AN ACT relating to public assistance and this act shall be known as the Van Hoose-Warinner Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 205.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 205.160 to 205.320, unless the context requires otherwise:

(1) "Department" means the Department of Economic Security;

(2) "Commissioner" means the Commissioner of Economic Security or his authorized representative;

(3) "Division" means the Division of Public Assistance in the Department of Economic Security;

(4) "Public Assistance" means money grants, assistance in kind or services to or for the benefit of needy aged, needy blind, needy permanently and totally disabled persons, needy children or relative with whom a needy child lives;

(5) "Needy child" means a child under the age of eighteen who has been deprived of parental support by reason of the death, absence or incapacity of a parent, and who is unable to provide for himself and who does not otherwise have provided for him a subsistence compatible with decency and health;

(6) "Parent," in addition to natural or adopted parent, shall include step-parent;

(7) "Needy aged" means a person who has attained the age of sixty-five and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(8) "Needy blind" means a person who has no vision or whose vision is so defective as to prevent the performance of ordinary activitie for which eyesight is essential and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(9) "Relative with whom a needy child lives" means the individual, of the degree of relationship prescribed by regulation, with whom such child is living in a place of residence maintained by such individual by himself or together with one or more other persons of the prescribed degree of relationship;

(10) "Needy permanently and totally disabled person means a person who has attained the age of eighteen years or older and who is unable because of his physical or mental condition to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(11) "Private institution" means any establishment or place other than a public institution operated or maintained by any individual, association, corporation or other organization which provides a group living arrangement for four or more individuals, who are cared for and maintained in residence for compensation or otherwise;

(12) "Public institution" means any establishment or place which is the responsibility of and administered by the state or any political subdivision thereof providing a group living arrangement in which one or more individuals are cared for and maintained in residence;

(13) "Public medical institution" means any public institution the primary purpose of which is to furnish hospital care and medical treatment.

Section 2. Section 205.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) A needy aged person, a needy blind person, a needy child, a needy permanently and totally disabled person, or a relative with whom a needy child lives shall be eligible to receive a public assistance grant only if he has made a proper application or an application has been made on his behalf in the manner and form prescribed by regulation. No individual shall be eligible to receive public assistance under more than one category of public assistance for the same period of time.

(2) Public assistance shall not be payable to or in behalf of any individual who is an inmate of a public institution, except as a patient in a medical institution, or to or in behalf of any individual who is a patient in an institution for tuberculosis or mental diseases, or who has been diagnosed as having tuberculosis or psychosis and is a patient in an institution as a result thereof.

(3) The commissioner may, by regulation, prescribe as a condition of eligibility that a needy child regularly attend school, and may further, by regulation, prescribe the degree of relationship of the person or persons in whose home such needy child must reside.

(4) No child born out of wedlock after June 15, 1950 shall be eligible under KRS 205.160 to 205.250 and KRS 205.260 to 205.320 as a needy child until after a bastardy proceeding involving the child has been initiated. The requirement of this subsection may be waived as prescribed by regulation if a bastardy proceeding cannot be had or would be futile, or would not be to the best interest of such child, or its mother or contrary to the public interest.

(5) The department shall promptly notify the appropriate law enforcement officials of the furnishing of aid to dependent children in respect to a child who has been deserted or abandoned by a parent.

(6) (a) A needy aged person, a needy blind person or a needy permanently and totally disabled person shall not be eligible to receive a public assistance grant unless he now resides and has resided in this state at least three years out of the seven years immediately preceding the application and has resided herein continuously for one year immediately preceding the application.

(b) A needy child residing in the state shall not be eligible to receive a public assistance grant unless he has resided in this state for one year immediate preceding the application or was born within one year immediately preceding the application and its parent or other relative with whom the child is living has resided in this state for at least one year immediately preceding the birth.

Section 3. Section 205.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Payment of public assistance grants for eligible individuals shall be made at the time and in the manner prescribed by regulation to:

(a) The needy aged or needy blind or needy permanently and totally disabled person or recipient; or

(b) The parent or relative with whom a needy child lives; or

(c) The parent or legal guardian of a blind minor; or

(d) The legal guardian of (a) or (b) above; or

(e) Such other persons on behalf of an eligible person as may be prescribed by regulation.

(2) Any person who is receiving and disbursing public assistance grants on behalf of another individual eligible under KRS 205.160 to 205.250 shall upon request make an accounting of such funds to the division in accordance with regulations. If a public assistance grant made on behalf of a needy individual is not used for the benefit of such individual, such payment shall be suspended pending reasonable assurance that future grants will benefit the individual on whose behalf such payments are made.

(3) Public assistance shall not be assignable and shall be exempt from levy or execution.

Section 4. Section 205.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) All money apropriated by this state, all money received from the United States or any agency thereof, and all money received from any other source for the public assistance functions administered by the division are hereby appropriated and shall be available to the commissioner for expenditure consistent with the provisions of KRS 205.160 to 205.250 and KRS Chapter 195.

(2) Prior to July 1 of each fiscal year the commissioner shall allocate the money in the Public Assistance Fund to the four categories of public assistance provided in KRS 205.160 to 205.250 and KRS 205.260 to 205.320; namely, needy children, needy aged, needy permanently and totally disabled persons and needy blind, in proportion to the estimated number of applicants and recipients in each category for the following fiscal year, provided, that the commissioner may, in any legislative biennium, reallocate said funds based on the number of recipients during any such biennium and the anticipated applicants during the balance of the biennium.

Section 5. Section 195.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall exercise all functions of the state in relation to:

(a) Administration and supervision of state unemployment insurance;

(b) Administration and supervision of state employment offices;

(c) Administration and supervision of all forms of public assistance including general home relief, outdoor and indoor care for persons in need, old age assistance, aid to dependent children, aid to permanently and totally disabled persons, and aid to the blind and otherwise handicapped;

(d) Administration and supervision of social services to children and families who are applicants or recipents of public assistance.

(2) The functions heretofore performed by the Department of Industrial Relations in respect of the functions above outlined are hereby transferred to and vested in the Department of Economic Security. All administrative functions of the nature outlined above, heretofore performed by other agencies of the state, are hereby abolished and shall hereafter be performed by the Department of Economic Security.

SB 105, AN ACT relating to the Judicial Council of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 22.050 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

"There is hereby created a Judicial Council composed of the Chief Justice or a Judge or Commissioner of the Court of Appeals designated by him; and four Circuit Judges, and a Circuit Court Clerk, all of whom shall be appointed by the Chief Justice of the Court of Appeals; three members of the State Bar Association to be appointed by the Governor; the Chairman of the Judiciary Committee of the House of Representatives, and the Chairman of the Judiciary Committee of the Senate. The appointed members shall serve for a term of four years and until their successors are appointed and qualify; provided, however, that the four Circuit Judges appointed for terms beginning July 1, 1958, shall be appointed for terms of one, two, three and four years respectively, and the three members of the State Bar Association appointed for terms beginning July 1, 1958, shall be appointed for terms of two, three and four years respectively. Vacancies in office of appointed members shall be filled by the original appointing authority."

Section 2. Section 22.070 of the Kentucky Revised Statutes is amended and re-enacted to read as follows:

"(1) The Judicial Council shall meet at least twice each year at such times and places as shall be designated by its Chairman and shall hold such other meetings as shall be called by the Chairman.

"(2) The Judicial Conference shall meet at least once each year upon the call of the Chief Justice. Persons not members of the Conference who have been elected as Justices of the Court of Appeals or as Circuit Judges for terms that do not commence until after a meeting of the Conference may be invited to attend and participate in the meeting and shall be entitled to their necessary expenses the same as regular members."

SB 91, AN ACT relating to claims against decedents' estates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person, including a widower, who pays the funeral expenses of a decedent, including a widower's deceased spouse or the medical expenses of such decedent's last illness, or any part thereof, shall have a preferred claim for such expenses against the estate of the decedent.

SB 12, AN ACT relating to drainage and reclamation, enabling any county whose board of drainage commissioners so resolves to come under the provisions of subsection 3(b) of Section 267.390 of the Kentucky Revised Statutes and Section 267.490 of the Kentucky Revised Statutes, and amending Sections 267.010, 267.090, subsection 3 (b) of Section 267.390, and subsection (1) of Section 267.490 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The board of drainage commissioners of any county, regardless of the number of drainage districts contained therein, may by resolution of the said board certified to the county judge, elect for such county to be subject to the provisions of KRS 267.390 3 (b) and 267.490.

Section 2. Section 267.010 of the Kentucky Revised Statutes is amended to read as follows: As used in this chapter, unless the context otherwise requires:

(1) "Board" means the county board of drainage commissioners, or, in counties having seventy-five or more separate drainage districts, or in counties availing themselves of the provisions of KRS 267.390 3 (b) and 267.490 as provided in Section 1 of this Act, the drainage commissioner.

(2) "District" means drainage or levee district.

(3) "Improvement" means the construction, reconstruction, straightening, widening or deepening of any ditch, drain, canal, creek, levee or watercourse.

(4) "Sheriff" includes any collecting officer.

(5) "Viewers" means the board of viewers appointed by the county court.

(6) The power to appoint includes the power to remove at any time.

Section 3. Section 267.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) In every county where an improvement has been made under former laws or is made under this chapter, except those counties having seventy-five or more separate drainage districts or those counties avail-

ing themselves of the provisions of KRS 267.390 3(b) and 267.490 as provided in Section 1 of this Act, the county court shall annually call an election in each district, to be held in the courthouse at the county seat on some day in May designated by the court. At this election the taxpayers of each district shall elect a director to represent the district on the board of drainage commissioners. The county judge shall preside at the election of each district, which shall be by viva voce vote of each member present at the hour designated by the court. The districts of the county shall be numbered by the court, and the elections shall take place in the numerical order of the districts. If any district is not represented at the election, the county court shall appoint a taxpayer of that district as director to represent the district. The county court shall fill all vacancies by appointment. The call for election shall be made at least ten days before the election by posting notice at the courthouse door and by publishing it in one issue of some newespaper of general circulation.

(2) If the county court fails to carry out any of the provisions of this section, any five taxpayers in any drainage district coming under the provisions of this chapter may call an election, and shall upon the day of the election designate one of their number to act in place of the county judge, with all the rights of the county court under this section.

(3) In counties having seventy-five or more separate drainage districts or in counties availing themselves of the provisions of KRS 267.390 3(b) and 267.490 as provided in Section 1 of this Act, the provisions of KRS 267.010 and 267.490 shall be followed.

Section 3. Subsection 3(b) of Section 267.390 of the Kentucky Revised Statutes is amended to read as follows:

3(b) In counties having seventy-five or more separate drainage districts or in counties availing themselves of the provisions of this subsection as provided in Section 1 of this Act, when a petition signed by a majority of the land owners in any drainage district is filed with and approved by the drainage commissioner, the latter may levy a maintenace assessment not exceeding thirty percent of the original assessment against the land. The number of assessments which may be levied shall be limited as follows: Where the assessment is ten percent but not over fifteen percent, no more than one assessment may be levied during any eighteen-month period; where the assessment is sixteen percent but not over twenty percent no more than one assessment may be levied during any two-year period; where the assessment is twenty-one percent but not over twenty-five percent no more than one assessment may be levied during any two-and-one-half-year period; and where the assessment is thirty percent but not less than twenty-six percent no more than one assessment may be levied during any three-year period.

Section 4. Subsection (1) of Section 267.490 of the Kentucky Revised Statutes is amended to read as follows:

(1) In all counties having seventy-five or more drainage districts or in all counties availing themselves of the provisions of this Section as provided in Section 1 of this Act, a drainage commissioner shall be appointed as provided in subsection (5) of this section who shall have and exercise all of the powers and duties vested in directors and boards of drainage commissioners elected under the provisions of KRS 267.090 and 267.100. The person so appointed shall hold office for a term of one year and until his successor shall be appointed and qualify. He shall execute bond for the faithful performance of his duties in the penal sum of five thousand dollars, and shall be sworn to faithfully perform the duties of his position to the best of his ability. Any vacancy in said office shall be filled by the board of supervisors.

SB 52, AN ACT relating to group life insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The lives of a group of individuals may be insured under a policy issued to a credit union organized pursant to the laws of the State of Kentucky or the Federal Credit Union Act, which shall be deemed the policyholder, to insure eligible members for amounts of insurance, not in excess of the share balance (or $1000.00, which ever is less) as to each member, based on some plan which will preclude individual selection, for the benefit of the share account of the member, subject to the following requirements:

(1) The members eligible for insurance under the policy shall be all the members of the credit union who meet standard physical requirements conditions of the insurer, or all of any class or classes thereof determined by conditions pertaining to their age, or to membership in the credit union or both.

(2) The premium for the policy shall be paid by the policyholder, either wholly from the credit union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least seventy-five per cent (75%) of the then eligible members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contribution. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance, must insure all eligible members or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least 25 members at date of issue.

(4) Provisions set forth in KRS 304.854 and 304.855 shall not apply to policies issued to a credit union pursuant to this section.

HR 7, A JOINT RESOLUTION authorizing a civil action against the Commonwealth of Kentucky in the interest of Ralph Myers.

WHEREAS, on the 10th day of November, 1952, while working on a Kentucky highway, Ralph Myers of Henry County, Kentucky, suffered pain and substantial injuries resulting in hospitalization and other medical expenses and interference with his pursuit of livelihood;

WHEREAS, it appears that the aforementioned damages may have been caused by the negligence of the Commonwealth or its employes; and

WHEREAS, the damages appear to be in excess of the jurisdictional amount limitations imposed by law on the Board of Claims;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Ralph Myers of Henry County, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either of them, in the Henry Circuit Court for damages resulting from personal injuries and medical expenses caused by alleged negligence on the part of employes of the Department of Highways while acting in the line of duty; that said suit shall be commenced within one year from effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 2. That the suit shall be for a sum not in excess of twenty thousand dollars;

Section 3. That the Attorney General may investigate the claim herein and settle said claim before or after suit is filed if he deems it advisable; that any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the Road Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. That in the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals in the manner provided in the Rules of Civil Procedure; and

Section 5. That no statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

HR 8, A JOINT RESOLUTION authorizing and directing payment of a claim of the Tax Commissioner of Henry County.

WHEREAS, it has been the practice of the Commonwealth of Kentucky to pay tax commissioners the salary of their deputies;

WHEREAS, it is incumbent upon the Commonwealth to pay tax commissioners for the services of their deputies based upon having earned additional allowance for deputy compensation; and

WHEREAS, during the assessment year 1952 Guy Bennett paid his deputy additional salary in the amount of three hundred and nineteen dollars for which he received no payment from the Commonwealth of Kentucky as is shown in the accompanying affidavit;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Commissioner of Revenue is hereby authorized and directed to pay to Guy Bennett, Henry County Tax Commissioner, the sum of three hundred and nineteen dollars out of the County Tax Commissioners Fund of the State Treasury; and

Section 2. That the Statute of Limitations shall not be a bar to payment of this claim.

HR 10, A JOINT RESOLUTION authorizing Theda Sue Love Waldridge, administratrix of the estate of Ernest L. Love, of Jefferson County, to sue the Department of Highways and the Commonwealth, or either.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Theda Sue Love Waldridge, administratrix of the estate of Ernest L. Love, deceased, be and she is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sums as will fairly and reasonably compensate the estate of said Ernest L. Love, deceased, for the injuries and damages, if any, sustained by said estate as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways thereof in maintaining the right of way along North Main Street in the City of Elizabethtown, Hardin County, Kentucky.

Section 2. Said suit shall be for a sum not in excess of $103,779.50.

Section 3. That the action herein authorized and permitted may be brought in the Hardin Circuit Court, same being the Circuit Court having jurisdiction in Hardin County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Hardin Circuit to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the State Road Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth of Kentucky or the Department of Highways, or either, and this resolution shall not be introduced as evidence or commented upon by counsel in arguments to the jury.

HR 17, A JOINT RESOLUTION authorizing K. V. Clark to sue the Department of Welfare, Kentucky State Reformatory and the Commonwealth of Kentucky or either of them.

WHEREAS, the Commonwealth of Kentucky through the Department of Welfare operates and controls the Kentucky State Reformatory at La Grange, Oldham County, Kentucky, one of its purposes being for the confinement and guarding of prisoners of the Commonwealth of Kentucky, and

WHEREAS, on or about February 1, 1955 K. V. Clark of Jefferson County, was an employe of the Commonwealth of Kentucky and as such employe was rendering, on or about said February 1, 1955, service to the Commonwealth of Kentucky by performing his duties as a receiver at the Kentucky State Reformatory at La Grange, Oldham County, Kentucky, and

WHEREAS, the said K. V. Clark, while regularly engaged in his duties as a receiver at the Kentucky State Reformatory, La Grange, Oldham County, Kentucky, was, the said K. V. Clark alleges, injured seriously and permanently when a stack of beds, which he was inspecting, fell upon him, as a result of negligence of the Kentucky State Reformatory, Department of Welfare and the employes and agents of the Commonwealth of Kentucky in their failure to furnish him a safe place in which to work, and

WHEREAS, the said K. V. Clark alleges his injuries and damages are in an amount greater than five thousand dollars, and therefore adequate remedy cannot be had by resort to action before the board of claims pursuant to the provisions of KRS 44.070.

NOW, THEREFORE, in order that the said K. V. Clark may have his day in court to determine his rights by judicial action and the question of negligence, if any, causing said injury.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That K. V. Clark of Louisville, Jeffersonville County, Kentucky, be and is hereby authorized and permitted to sue the Commonwealth of Kentucky, the Department of Welfare and the Kentucky State Reformatory at La Grange or any one or more of them, in the circuit court of Jefferson County or the circuit court of Franklin County for such damages as he suffered and sustained as a direct and proximate result of the negligence, if any, of the employes and agents of the Commonwealth of Kentucky, the Department of Welfare and the Kentucky State Reformatory at La Grange.

Section 2. The suit of the said K. V. Clark shall be for an amount not exceeding fifteen thousand dollars.

Section 3. The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle same, before or after suit is filed, if he deemes it advisable and any settlement which may be affected or any judgment which may be recovered against the Commonwealth of Kentucky or its agencies shall be paid by the Department of Finance by a warrant drawn on the State Treasury and paid out of the General Fund.

Section 4. In the event that suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

Section 5. The statue of limitations shall not begin to run in favor of the Commonwealth until this Act becomes effective.

Section 6. No statement in this resolution shall be considered by either the court or a jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

HR 20, A JOINT RESOLUTION authorizing Stanley Crouch, father and administrator of the estate of Lonnie Edward Crouch, a minor, to sue the Department of Conservation and the Commonwealth of Kentucky, or either.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Stanley Crouch, father and administrator of the estate of Lonnie Edward Crouch, a minor, be and he is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky, and the Department of Conservation thereof, either or both of them, in such sums as will fairly and reasonably compensate said Lonnie Edward Crouch for the injuries and damages, if any, sustained by him as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Conservation thereof, their agents and employes, in the operation and maintenance of Lincoln Homestead State Park, Route 1, Springfield, Washington County, Kentucky.

Section 2. The suit shall be for a sum not in excess of twenty-five thousand dollars.

Section 3. That the action herein authorized and permitted may be brought in the Washington Circuit Court, same being the Circuit Court having jurisdiction in Washington County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this Resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Washington Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise the amount so adjudged or compromised shall be paid out of the General Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

HR 22, A JOINT RESOLUTION authorizing James Daniel Chancey, Louisville, Kentucky to sue the Commonwealth of Kentucky.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That James Daniel Chancey, Louisville, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Franklin Circuit Court for personal injuries, permanent physical impairment, excruciating physical pain and mental anguish alleged to have been sustained by him because of the negligence of the agents, servants, and employees of the Commonwealth of Kentucky, in the line of duty while serving as a member of the Kentucky National Guard, before the National Guard became Federalized, and while on active duty in Harlan County, Kentucky during the mine trouble on or about the 15th day of July, 1939.

Said suit shall be in the sum not to exceed $25,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim of the Commonwealth of Kentucky herein and settle said claim before or after suit is filed as he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the general fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event the suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence on the part of the Commonwealth and this resolution shall not be introduced as evidence nor commented upon by counsel in the argument of the case to the jury.

HR 29, A JOINT RESOLUTION authorizing Mrs. Glenn Roy Nantz of London, Laurel County, Kentucky to sue the Commonwealth of Kentucky.

WHEREAS, on the 12th day of September, 1952, while employed in the kitchen of the State Tuberculosis Hospital, District No. 5, at London, Kentucky, Mrs. Glenn Nantz, then 19 years of age, was severely and painfully injured by having her hand caught in a slaw-cutter, resulting in the amputating of her fingers and causing diverse other injuries and disfigurement; and

WHEREAS, it appears that the Commonwealth of Kentucky, acting by and through its agents, servants and employes, may be responsible for said damages;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Mrs. Glenn Roy Nantz, of London, Laurel County, Kentucky is hereby authorized to sue the Commonwealth of Kentucky, in the Circuit Court held in and for Laurel County, Kentucky, this being the county of her residence, and the county in which the injuries and damages complained of occurred, for damages to her person caused by the negligence on the part of the Commonwealth of Kentucky, acting through their agents, servants and employees, who were then acting within the scope of their authority.

Section 2. That said suit shall be for a sum not exceeding twenty thousand dollars.

Section 3. That the Attorney General may investigate the claim herein referred to and settle said claim before or after suit is filed, if in his opinion such settlement is for the best interest of the Commonwealth of Kentucky. Any amount recovered in said suit or by said settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Comissioner of Finance upon the State Treasury. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

Section 4. No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky, and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

HR 34, A RESOLUTION adjourning in honor of the Honorable Fred Beshear.

WHEREAS, the General Assembly customarily adjourns over the birthday of our late president, Franklin Delano Roosevelt; and

WHEREAS, there is a member in this Honorable Body, Representative Fred Beshear, who was a member of this House in 1932 and who was named by our late Governor Ruby Laffoon as a delegate, state at large, to the 1932 Democratic National Convention which nominated Franklin Delano Roosevelt for his first term as president; and

WHEREAS, the Honorable Fred Beshear is the oldest member in this House by age and by service,

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That when the House of Representatives does adjourn today that we do so not only in honor of the late Franklin Delano Roosevelt but also in honor of our beloved member, the Honorable Fred Beshear, and bestow upon him the title of Mr. Democrat of the 1956 Session of the General Assembly.

HR 35, A JOINT RESOLUTION authorizing Walter Sublett of Ashland, Boyd County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Walter Sublett of Ashland, Boyd County, Kentucky, be, and he is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in such sums as will fairly and reasonably compensate him for damages, if any, sustained by him as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky and the Department of Highways, thereof, their agents, officers and employes in improving and maintaining a road upon the property of the said Walter Sublett at Sitka, Johnson County, Kentucky, such improvements allegedly constituting a continuing trespass.

Section 2. Said suit shall be for a sum not in excess of six thousand dollars.

Section 3. That the suit herein authorized and permitted may be brought in the Johnson Circuit Court, same being the circuit court having jurisdiction in Johnson County, Kentucky, the county in which the alleged damages were incurred.

Section 4. The statute of limitations shall not begin to run in favor of the Commonwealth until this resolution becomes effective.

Section 5. That any party to said suit may appeal from any judgment which may be entered in Johnson Circuit Court to the Court of Appeals of Kentucky as in any other civil suit.

Section 6. The Attorney General is hereby authorized to compromise or settle this claim on behalf of the Commonwealth of Kentucky, and any settlement which may be so effected or any judgment which may be recovered against the Commonwealth of Kentucky or its agencies, shall be paid by the Department of Finance by a warrant drawn on the State Treasury and paid out of the General Fund.

Section 7. No statement in this resolution shall be considered by either the court of a jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence for either party nor commented on by counsel in argument to the jury.

HR 36, A JOINT RESOLUTION extending congratulations to the city of Morehead and to Rowan County on the occasion of the respective centennials.

WHEREAS, it has come to the attention of the General Assembly of the Commonwealth of Kentucky that the city of Morehead and Rowan County are, in the present year one thousand nine hundred and fifty-six, A. D., jointly celebrating the hundredth anniversary of their establishment and

WHEREAS, the said city of Morehead and Rowan County have contributed greatly to the history, honor and tradition of the beloved Commonwealth of Kentucky and

WHEREAS, the city of Morehead and Rowan County contain some of the Commonwealth of Kentucky's most revered historical shrines and have contributed many of the statesmen and leaders who have helped to bring honor and glory upon the Commonwealth and

WHEREAS, it appears desirable that homage be paid to the city of Morehead and to Rowan County on the occasion of their centennial

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the city of Morehead and Rowan County be and are hereby extended the congratulations and best wishes of the General Assembly of the Commonwealth of Kentucky upon the occasion of their respective centennials.

Section 2. That the best wishes of the General Assembly of the Commonwealth of Kentucky are hereby extended to the city of Morehead and to Rowan County for continued growth, prosperity and happiness of their people during the next one hundred years and beyond.

Section 3. That copies of this resolution, duly authenticated be sent to the honorable mayor of the city of Morehead and the city clerk thereof for filing in the records of the city and to the county court clerk of Rowan County for filing in the record of the county.

HR 42, A JOINT RESOLUTION authorizing Margaret M. Hoppe and Carl Hoppe, Jr., to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky or either of them.

WHEREAS, on or about October 4, 1949, Margaret M. Hoppe, of Boyle County, Kentucky, while operating the automobile of her husband, Carl Hoppe, Jr., along a public highway known as Kentucky State Highway 33 in Boyle County, Kentucky and exercising every precaution for her safety, by reason of the alleged defective condition of the said highway at the time aforesaid, was unable to keep the said motor vehicle under control and as a result thereof said motor vehicle left the paved highway and overturned; and

WHEREAS, the Commonwealth of Kentucky and the Department of Highways were allegedly careless and negligent in permitting this defective condition to exist in said public highway, and having alleged knowledge of such defects, in failing to provide the necessary safeguards to the said Margaret M. Hoppe, and as the sole, direct and proximate result of the alleged careslessness and negligence aforesaid the said Margaret M. Hoppe suffered serious and permanent bodily injuries and was caused to endure much pain and suffering; and

WHEREAS, all of the injuries, expenses, damages and suffering heretofore set out were caused and produced by the alleged carelessness and negligence of the Department of Highways, its agents, officers and employes, and the said Margaret M. Hoppe and Carl Hoppe, Jr. were free of any negligence whatsoever which contributed to or in any manner brought about the injuries complained of;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Margaret M. Hoppe and Carl Hoppe, Jr. are hereby authorized and permitted to sue the Commonwealth of Kentucky and the Department of Highways, or either of them, in the circuit court held in and for Boyle County, Kentucky, this being the county of their residence, and the county in which the injuries and damages complained of occurred, and the county where such injuries and damages were the direct and proximate result of the alleged carelessness and negligence of the Department of Highways.

Section 2. The said suit of Margaret M. Hoppe shall be for an amount not exceeding twenty-five thousand dollars; and the suit of the said Carl Hoppe, Jr., shall be for an amount not exceeding one thousand, five hundred and forty dollars.

Section 3. The Attorney General of the Commonwealth of Kentucky may investigate these claims against the Commonwealth of Kentucky and the Department of Highways, or either of them, and settle said claims before or after suit is filed if he deemes it advisable. Any amount recovered in said suit or by said settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the said Treasury.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

Section 4. No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky and the Department of Highways, or either of them, and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

SB 34: AN ACT relating to disability insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.715 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a prevision as follows:

"TIME LIMIT ON CERTAIN DEFENSES: (a) After three years from the date of issue of this policy no misstatements except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such three-year period."

(The foregoing policy prevision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial three-year period, not to limit the application of KRS 304.731 to 304.735 in the event of misstatement with respect to age or occupation or other insurance.)

(A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (a) until at least age fifty or (b) in the case of a policy issued after age forty-four, for at least five years from its date of issue, may contain in lieu of the foregoing the following provision, from which the clause in parentheses may be omitted at the insurer's option, under the caption "INCONTESTABLE":

"After the policy has been in force for a period of three years during the life-time of the insured (excluding any period during which the insured is disabled,) it shall become incontestable as to the statements contained in the application.")

(b) (1) No claim for loss incurred or disability (as defined in the policy) commencing after such policy has been issued and has remained in force for one year and the second annual premium or any part of the second annual premium has been paid, shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective coverage of this policy.

(2) The terms of subsection (b) of this Act shall be included in the terms of any policy issued after the effective date of this Act, and, if the printed policy forms in use at such time do not include the provisions of this Act, the company issuing such policy of insurance shall correct such forms or issue and additional printed form fully explaining such change.

Orders of the Day

HB 156 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Morgan moved that Committee Substitute for **HB 156** be adopted in lieu of original bill. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 78—Anderson, Barnum, Bates, Baumgardner, Blankenship, Breathitt, Breckinridge, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Davidson, Davis, Day, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Hahn, Hawkins, Heskamp, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Johnson, Kubale, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, Walsh, Weintraub, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 1—Thomas. **HB 156** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 383 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 66 – Anderson, Barnum, Bates, Baumgardner, Blankenship, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Conrad, Cornett, Davis, Farmer, Flanery, Freeman, Greene, Gullette, Hadden, Hahn, Hawkins, Heyburn, Hill Hilton, Hinkle, Holsclaw, Isler, Johnson, Kubale, Lambert, Mackey, Martin, McCallum, McKinney, Melton, Moore, Morgan, Newsom, Nunn, Ockerman, Parrish, Pollitte, Qualls, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young, Nays 12–Dunsil, Gay, Griffin, Grigsby, Grundy, Heskamp, D. W. Howard, McFadden, Mullins, Murphy, Peace, Saylor. **HB 383** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 370 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 74–Barnum, Baumgardner, Blankenship, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Conrad, Cornett, Davidson, Davis, Dunsil, Farmer, Flanery, Freeman, Greene, Grigsby, Gullette, Hadden, Hahn, Hawkins, Heskamp, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McCullum, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wilson, Young, Nays 0. **HB 370** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 322 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 79–Anderson, Barnum, Bates, Baumgardner, Blankenship, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Conrad, Cornett, Davidson, Davis, Day, Dunsil, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heskamp, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Tinsley, Wathen, A. W. Wells, L. B. Wells Wilson, Young. Nays 0. **HB** 322 was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 257 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Holsclaw moved to amend **HB 257** as follows: "Amend printed copy of HB 257 on page 5, line 10 by striking the second word 'previous' and substituting therefor the word 'pervious.'" Adopted.

HB 257 with amendment was read at length the third time. Representative Holsclaw moved the Previous Question. Agreed.

On roll call, the vote was yeas 61—Anderson, Barnum, Bates, Baumgardner, Bridgers, Burnley, Bush, Casey, Conrad, Cornett, Davis, Day, Farmer, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Mackey, Martin, McCallum, McFadden, Melton, Miller, Moore, Morgan, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reed, R. Reid, Sr., Reynolds, Saylor, Searcy, Stith, Thompson, Tinsley, Walsh, A. W. Wells, L. B. Wells, Wilson, Young. Nays 0. **HB 257** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 258 taken from Orders of the Day on recomemndation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 61—Anderson, Barnum, Bates, Baumgardner, Bridgers, Burnley, Bush, Casey, Conrad, Cornett, Davis, Day, Farmer, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Mackey, Martin, McCallum, McFadden, Melton, Miller, Moore, Morgan, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Stith, Thompson, Tinsley Walsh,

A. W. Wells, L. B. Wells, Wilson, Young. Nays 0. **HB 258** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 260 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 61—Anderson, Barnum, Bates, Baumgardner, Bridgers, Burnley, Bush, Casey, Conrad, Cornett, Davis, Day, Farmer, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Mackey, Martin, McCallum, McFadden, Melton, Miller, Moore, Morgan, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Stith, Thompson, Tinsley, Walsh, A. W. Wells, L. B. Wells, Wilson, Young. Nays 0. **HB 260** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 30 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 63 — Anderson, Barnum, Bates, Baumgardner, Bridgers, Burnley, Bush, Carter, Casey, Conrad, Cornett, Davis, Farmer, Flanery, Freeman, Gay, Grigsby, Grundy, Gullette, Hawkins, Heskamp, Heyburn, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Johnson, Mackey, Martin, McFadden, Melton Miller, Moore, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Walsh, A. W. Wells, L. B. Wells, Wilson, Young. Nays 0. **SB 30** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 401 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 65 — Anderson, Barnum, Bates, Baumgardner, Blankenship, Breathitt, Breckinridge, Burnley, Bush, Casey, Caudill, Conrad, Davis, Farmer, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Hill, Hinkle, Hislope, C. S. Howard, Isler, Johnson, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Miller, Moore, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Sloan, Stith, Tanner, Thompson, Tinsley, Wathen, Weintraub, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 2—Searcy. Thomas. **HB 401** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

Introduction of Resolution

On motion of Representative Morgan, the Rules were suspended for introduction of **HR 50.**

HR 50, by Representative Searcy: A RESOLUTION recognizing Miss Anne Gillock, Miss Kentucky of 1955, and congratulating her upon her representation of the Commonwealth in placing number twelve in the 1955 Miss America contest at Atlantic City, New Jersey.

WHEREAS, our beloved Commonwealth of Kentucky has, since the memory of man runneth not to the contrary, been universally acclaimed for its beautiful, graceful, poised, charming, talented and gracious ladies and

WHEREAS, Miss Anne Gillock, of Carrollton, Kentucky, has been adjudged outstanding in all these qualities as exhibited by her selection as Miss Kentucky of 1955 and placing number twelve in the Miss America competition at Atlantic City, New Jersey, for the same year and

WHEREAS, it appears that Miss Anne Gillock is deserving of the recognition and acclaim of this honorable body in that her representation of the Commonwealth in the Miss America pageant brought to this Commonwealth additional honor, acclaim and fame and served to cement the Commonwealth's position as the home of beautiful women, even more firmly

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

Section 1. That Miss Anne Gillock is hereby congratulated upon her selection as Miss Kentucky of 1955 and upon her splendid representation of our beloved Commonwealth in the Miss America pageant at Atlantic City, New Jersey, in the same year.

Section 2. That the clerk of the House of Representatives cause copies of this resolution to be sent to Miss Gillock and to the city clerk of the city of Carrollton to be made a part of the official records of the city.

Representative Morgan moved adoption of **HR 50.** Adopted.

HB 363 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 69 – Anderson, Barnum, Bates, Baumgardner, Blankenship, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Conrad, Cornett, Davis, Dunsil, Farmer, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hawkins, Heyburn, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Lambert, Lowman, Mackey, Martin, McCallum, McKinney, Melton, Miller, Moore, Morgan, Mullins, Newsom, Nunn, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Wathen, Weintraub, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 0. **HB 363** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 27 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Representative Davidson moved to amend **HB 27** as follows: "Amend printed copy of HB 27 on page 2, section C, line 15 by striking the word 'one' and substituting the word 'two.'" Adopted.

HB 27 read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 63–Anderson, Barnum, Bates, Baumgardner, Blankenship, Breathitt, Breckinridge, Bridgers, Burnley, Casey, Conrad, Cornett, Davidson, Davis, Day, Farmer, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Hill, Hilton, Hinkle, C. S. Howard, Isler, Johnson, Kubale, Lambert, Martin, McCallum, McFadden, McKinney, Melton, Miller, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Qualls, Ratcliffe, J. B. Reed, H. V. Reid, Reynolds, Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Wathen, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 0. **HB 27** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 365 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 64 – Anderson, Barnum, Bates, Baumgardner, Blankenship, Breathitt, Breckinridge, Bush, Carter, Casey, Conrad, Cornett, Davidson, Davis, Dunsil, Farmer, Flanery, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Hill, Hinkle, C. S. Howard, Isler, Johnson, Kubale, Lambert, Mackey, Martin, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Pollitte, Qualls, Ratcliffe, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Wathen, A. W. Wells, L. B. Wells, Wilson, Wirsch. Nays 0. **HB 365** was passed and the title agreed to.

HB 465 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length for the third time. Representative Morgan moved the Previous Question.

On roll call, the vote was yeas 57—Barnum, Bates, Baumgardner, Bridgers, Burnley, Carter, Casey, Conrad, Cornett, Davis, Dunsil, Farmer, Fitzpatrick, Flanery, Greene, Griffin, Grigsby, Gullette, Hahn, Heskamp, Heyburn, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Lowman, Martin, Melton, Miller, Moore, Morgan, Newsom, Pollitte, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, Reynolds, Searcy, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, Weintraub, L. B. Wells, Williamson, Wilson, Wirsch. Nays 19—Anderson, Blankenship, Breckinridge, Bush, Davidson, Day, Hadden, Hawkins, D. W. Howard, Mackey, McKinney, Murphy, Nunn, Peace, R. Reid, Sr., Saylor, Sloan, Wells, Young. The Previous Question was adopted.

On roll call, the vote was yeas 71—Anderson, Barnum, Baumgardner, Blankenship, Breathitt, Bridgers, Burnley, Casey, Caudill, Conrad, Cornett, Davidson, Davis, Day, Dunsil, Farmer, Fitzpatrick, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette Hahn, Hawkins, Heskamp, Heyburn, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Martin, McCallum, McKinney, Melton, Miller, Moore, Morgan, Mullins, Newsom, Nunn, Parrish, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, Reynolds, Searcy, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch. Nays 13—Carter, Griffin, Hadden, Hislope, D. W. Howard, Mackey, McFadden, Murphy, Peace, R. Reid, Sr., Saylor, Sloan, Young. **HB 465** was passed and the title agreed to.

Representative Morgan moved that the vote by which said Bill was passed be reconsidered and the motion laid on the table. Agreed.

Report of Rules Committee

The Rules Committee reported **HB 33, HB 41, HB 82, HB 138, HB 149, HB 159, HB 164, HB 186, HB 189, HB 203, HB 222, HB 232, HB 237, HB 266, HB 273, HB 291, HB 310, HB 313, HB 350, HB 351, HB 358, HB 361, HB 369, HB 375, HB 394, HB 417, HB 425, HB 430, HB 431, HB 434, HB 436, HB 445, HB 456, HB 458, HB 459, HB 463,**

HB 471, HB 474, HB 476, HB 478, HB 479, HB 480, HB 481, HB 482, HB 483, HB 484, HB 485, HB 488, HB 490, HB 491, HB 492, HB 493 with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 33, AN ACT relating to the taxation of gasoline used as motor fuel in boats and other watercraft.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Gasoline" is defined as in KRS 138.210(4).

(2) "Department" means the Department of Revenue.

(3) The term "supply tanks" shall include auxiliary storage tanks.

Section 2. When gasoline on which the tax has been paid pursuant to the provisions of KRS 138.210 to 138.340 has been used for the purpose of operating motor boats or other watercraft, the purchaser of such fuel so used shall be entitled to reimbursement to the extent of ninety percent of the tax paid, as hereinafter provided. No tax shall be refunded except that paid upon such fuel used exclusively in such watercraft motors. Fuel is deemed to be used, for purposes of this Act, when delivered directly into the fuel supply tanks of boats or watercraft. No refund shall be authorized unless the amount due is as much as five dollars. The right to claim refunds may be assigned to any seller of such gasoline.

Section 3. (1) Any person desiring to purchase refund gasoline for operation of motor boats or other watercraft owned or operated by him, must file with the department an information return in a form prescribed and furnished by the department, containing a detailed description of the watercraft in which the refund gasoline is to be used, an estimate of the approximate amount of such fuel to be used during the calendar year and such other information as may be requested by the department.

(2) When such return is filed and approved the department shall assign a permit number to the applicant and shall issue coupons or certificates and blank refund applications, in form and containing such information as it may require, authorizing the purchase of refund gasoline from any distributor or retail dealer, authorized by the department to sell refund gasoline under provisions of this Act.

(3) On or before December 1 of each year all permit holders shall file with the department and anual information return accompanied by all unused coupon certificates. Upon failure to comply with this provision the permit shall be revoked.

Section 4. No person may file an application for a refund provided by Section 2 hereof unless he shall have first filed with the Department of Revenue a bond with approved surety in an amount of not less than one hundred dollars nor more than one thousand dollars, to be determined by the Department of Revenue, conditioned upon faithful compliance with the terms of this Act and upon the payment to the Commonwealth of any refunds to which he was not entitled.

Section 5. Any person desiring to sell, at retail, refund gasoline for use in watercraft, or take assignments of claims for refund of taxes on gasoline sold by him, shall make application to the department for a permit. When such a permit is approved the permittee shall execute bond as required in Section 4 of this Act before making sale of refund gasoline. No such sale shall be made except to a holder of an unrevoked permit, on certificates bearing his permit number.

Section 6. The department may require any authorized seller or his agent to identify refund gasoline sold by him by adding thereto any chemical or substance, which shall be furnished by the department, and used in the manner prescribed by the department.

Section 7. Any person purchasing refund gasoline must personally sign and fill in his original and duplicate refund certificates each of which is to be executed separately at the time of each particular purchase, and the seller of such gasoline shall sign such certificate at the time of each purchase, certifying that the amount of gasoline listed thereon has been delivered into the fuel supply tanks of the purchaser, solely for use in watercraft motors. The original certificate must be attached to the claim for refund and shall be given to the purchaser unless the right to refund is assigned to the dealer, in which event the original, bearing such assignment, is retained by the seller. The duplicate copy shall remain attached in the coupon book and retained by the purchaser.

Section 8. Applications for refund shall on or before the last day of each month be filed with the department for refund of tax paid on gasoline bought or sold during the preceding month on forms prescribed and furnished by the department. Such application shall be accompanied by the original refund certificates, properly executed. When the department is satisfied that a refund is proper, it shall authorize ninety percent of the amount of tax paid to be refunded as other refunds are made; and the amount refunded shall be deducted from gasoline tax receipts.

Section 9. (1) No person shall make a false or fraudulent statement in an application for a refund permit, or in a gasoline refund invoice or in an application for a refund of taxes; or fraudulently obtain a refund of such taxes; or knowingly aid or assist in making any such false or fraudulent statement or claim.

(2) No person shall use or permit to be used gasoline purchased under provisions of this Act for any purpose other than as provided by law.

Section 10. (1) The refund permit of any purchaser or seller of refund gasoline who violates any provisions of Section 9 of this Act shall be revoked by the Kentucky Tax Commission and may not be reissued until two years have elapsed from the date of such revocation.

(2) For failure to comply with any provision of this Act other than those contained in Section 9 of this Act, or any regulation of the department, the refund permit of any authorized purchaser or seller may be suspended by the Kentucky Tax Commission for any period in its discretion not exceeding six months.

(3) Proceedings for revocation of permits issued under Section 3 and 5 of this Act shall be as provided in KRS 138.355.

Section 11. Any person who violates any provision of Section 9 of this Act shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not exceeding one year, or both.

HB 41, AN ACT relating to the control of Johnson grass on state right of ways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The Department of Highways shall at all times keep all state right of ways free of the species of grass, sorghum halepense, commonly known as Johnson grass. When such grass is found growing upon any state right of way, the department shall take steps to eradicate such grass by the use of chemicals or any other effective means. This shall be in addition to any other duties imposed upon the Department by law.

(2) The Department of Highways shall notify the owner or tenant, whichever may be operating the farm adjacent to the right of way, of the aproximate date that the eradication work is to be performed. Notice shall be given to the owner or tenant so as to provide at least three days in which to allow the owner or tenant sufficient time to remove his livestock from the fields adjacent to the right of way on which the eradication work is to be performed. The department shall advise the owner or tenant of land adjacent to the right of way treated of the nature of any chemicals used and of the effect such chemicals or process used will have on any livestock. The Department of Highways shall further advise said owner or tenant of the length of time required for the chemical action or reaction to dissipate to the point where there will be no harmful effects on any livestock.

HB 82, AN ACT relating to prohibiting minors from attending race tracks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No minor as defined by KRS 337.010, shall enter the grounds or enclosure of any race track at which a race meeting is being conducted under the jurisdiction of the State Racing Commission for the purpose of attending the races or for any other purpose.

HB 138, AN ACT relating to sanitation and adequate shelter for certain railroad employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definitions. As used in this Act, unless the context otherwise requires:

(1) "Localized Facilities" means those facilities of sanitation or shelter for the welfare and health of railroad trainmen, enginemen, yardmen and maintenance of way employes, which facilities are to be maintained at points where employes are required to report for duty or are relieved from duty.

(2) "Highway crossing shanty" means a building at which public highway crossing watchmen are regularly stationed for performance of their duties.

(3) "Running facilities" means those facilities of sanitation or shelter to be maintained on engines, trains or cabooses for the welfare and health of railroad trainmen, enginemen, yardmen and maintenance of way employes.

(4) "Camp facilities" means those facilities of sanitation or shelter for the welfare and health of maintenance of way employes, when such facilities are to be maintained at railroad camps of a permanent or seasonal nature, or are located in movable cars when used for housing maintenance of way employes.

(5) "Crossing watchmen" includes such employes as are used in the flagging of public highway crossings or in the actual operation of manually controlled gates, public highway crossing signals, or other appurtenances having to do with the protection of such crossings.

(6) "Section house facilities" when used herein, shall mean the shelter facilities maintained for maintenance of way employes at points where such employes report for duty or are relieved from duty.

(7) "Commission" means the Railroad Commission.

Section 2. Localized Facilities. Adequate localized facilities, as defined in Section 1 of this Act, consisting, as in each location may be necessary, of the following facilities, installed and maintained as specified, shall be furnished by all railroad companies under the jurisdiction of the Railroad Commission, if, in the judgment of the

Commission, such facilities, or any of them, are necessary for the welfare and health of the above mentioned employes:

(1) There shall be provided a locker room, separated from the toilet room by solid partitions, where the employes may change their clothing. The area of such room shall not be less than eighty (80) square feet of clear floor space for ten (10) employes, and adequate space to be added for additional employes. Necessary benches and tables shall be provided.

(2) Where lockers are not now provided, a sufficient number of metal lockers shall be provided, the dimensions of which shall not be less than seventy-two (72) inches high, fifteen (15) inches wide and eighteen (18) inches deep, save that, in such locations where larger lockers shall be deemed necessary, they shall be provided as shall be agreed to between the Railroad Company and its employes. Said lockers shall be equipped on the inside with a top shelf, and not less than one clothes hook on each side, a hanger bar, and also sufficient openings in the door for the purpose of ventilation.

(3) Where running water and sewers are reasonably available or where physical conditions and ordinances permit the use of septic tanks in lieu of sewers, hot and cold running water, sufficient wash bowls and shower facilities, and flush toilets in accordance with the following minimum requirements, shall be provided:

Number of Persons	Number of Toilets
1 to 15	1
16 to 30	3
31 to 49	5
50 to 100	7
101 or over	1 for each additional 25 persons

(4) Wherever urinals are provided, one urinal may be substituted for one toilet, provided the number of toilets shall not be reduced to less than two-thirds the number shown in the above table.

(5) If practical, every toilet room shall be so located as to open to the outside light and air by windows or skylights.

(6) All inside toilet facilities shall be made of materials impervious and resistant to moisture, and shall be fitted with individual flush systems. In the case of urinals, the water may be allowed to run continuously.

(7) The walls of compartments or partitions between toilet fixtures may be less than room height, but the top shall not be less than five (5) feet from the floor and the bottom not more than one (1) foot from the floor.

(8) An adequate supply of cool, sanitary water, satisfactory for drinking purposes, shall be made available to all employes. Where necessary, this water shall be provided in suitable sanitary containers, conveniently placed for the use of the above mentioned employes, and each container will be equipped with a faucet or other dispenser.

(9) Locker and toilet rooms shall be adequately heated, ventilated, lighted, and provided with screens, and such facilities shall be kept reasonably clean by the employer.

Section 3—Running Facilities.

(1) Adequate toilet facilities shall be made available for trainmen, enginemen and yardmen, and shall be kept in a reasonable clean and sanitary condition. Such toilet facilities shall not be required to be maintained on rolling stock except that, when freight trains are operated on unusually long runs between stations or yard stops, toilet facilities may be installed in cabooses, as shall be agreed to between the Railroad Company and its employes.

(2) All yard diesels shall have the floors cleaned and the windows washed at reasonable intervals.

(3) All cabooses shall have the interior washed once each year. Road cabooses used on trains handling ore in open top equipment, and all yard and transfer cabooses, shall have the floors scrubbed or mopped once each month. Other road cabooses on any run shall have the floors scrubbed or mopped once each month, if the crew using same request it. Windows on all cabooses shall be washed once a month, except in freezing weather.

(4) When required by the season of the year, doors and windows of cabooses shall be equipped with adequate metal stripping. Similarly, when required by the season of the year, cabooses shall be equipped with screen doors or screen panels, and windows on each side of each caboose shall be screened. Sliding screen windows, however, shall be deemed adequate.

(5) An adequate supply of cool, sanitary water, satisfactory for drinking purposes, shall be made available for the use of trainmen, enginemen and yardmen. Suitable sanitary containers, equipped with a faucet or other dispenser, shall be maintained on cabooses and locomotives.

(6) Every caboose used in any train in this State, regardless of service, shall be provided with a stove or other adequate means of heating. A sufficient amount of fuel for the trip or shift shall be made available.

(7) Baggage and express cars, when occupied by employes coming under the provisions of this Act, will be so arranged in the train that employes required to ride such cars will have access to the drinking water, toilet and washing facilities provided in a coach in said train; and, if it is found impractical to so arrange said cars in the train, then drinking water, toilet and washing facilities must be furnished for the employes riding said cars upon formal order of and by the Commission.

Section 4 Crossing Watchmen Facilities

Adequate shelter shall be furnished for crossing watchmen, and such shelter shall be properly sealed and insulated against cold and heated, and equipped with adequate toilet facilities.

Section 5 Camp Facilities

(1) When employes are Furnished meals in camp cars, as hereinbefore defined, adequate sanitary facilities and space shall be provided.

(2) Where cars, other than passenger coaches, are furnished for sleeping quarters, cars shall not house over ten (10) men each. Where passenger coaches are furnished, the Railroad Commission may designate the number of men to be housed in each coach.

(3) All camp cars shall be properly heated, ventilated, sealed and lighted with electricity where available and, during the period of the year in which insects are prevalent, the doors and windows will be screened.

(4) All extra and permanent gangs will be furnished with shower car, with running hot and cold water. Adequate toilet facilities will be furnished for all employes.

(5) Camp man or janitor shall be furnished for all gang of nine (9) or over men to keep the cars and grounds in a clean and sanitary manner.

(6) When extra and permanent gangs are furnished with kitchen car or cars, the same shall be well equipped with adequate kitchen facilities. Such kitchen cars shall be maintained in a clean and sanitary condition.

Section 6 - Section Houses

Adequate Shelter facilities, located in section houses or other suitable buildings, consisting, as in the individual case may be necessary, of the following appliances, installed and maintained as specified, shall be furnished by all railroad companies under the jurisdiction of the Railroad Commission for regularly assigned maintenance of way employes, at points where such employes are required to report for duty or are relieved from duty, as, in the judgment of the Commission, after investigation, and hearing, if requested, such facilities, or any of them, are necessary for the welfare and health of the above mentioned employes:

(1) There shall be provided space, adequate for the number of employes using said facilities, where employes may change their clothing, furnished with tables and benches or chair, in accordance with the number of employes using the facilities. Where lockers are not now provided, and the same are requested by the employes using the individual facility, a sufficient number of metal lockers shall be provided to meet the requirements of said employes.

(2) During the period of the year in which insects are prevalent, screens will be furnished for the windows and doors.

(3) The space designated as shelter will be partitioned, sealed and adequately heated and lighted.

(4) Where running water and sewerage facilities are reasonably available, flush toilets and washing facilities will be provided. Otherwise, an outside toilet will be furnished and maintained in accordance with the provisions of SECTION 7; PROVIDED, HOWEVER, the provisions of this sub-section shall not be applicable where toilets and washing facilities are otherwise made reasonably available for maintenance of way employes.

(5) If necessary, a sufficient supply of running or well water will be made reasonably available.

Section 7 Construction and Maintenance of Outside Toilets

(1) The Railroad Commission may, after proper investigation, hearing and order in the matter, permit the installation and maintenance of outside toilet facilities, where it is found otherwise impractical to install inside toilet and urinal facilities.

(2) Where outside toilets are installed and maintained in accordance with the above sub-section, they shall be located on ground that is well drained, and where there is no possibility of contaminating any drinking water supply.

(3) Suitable approach, such as concrete, gravel, or cinder walk, shall be provided.

(4) All windows, ventilators, and other openings, except doors, shall be screened to prevent the entrance of insects. A separate ventilator duct, with hood, shall be provided for the vault, and shall extend above the roof.

(5) The entire installation must be kept clean and sanitary. Milk of lime (freshly slaked lime), or other equally effective disinfectant, shall be used in the vault and in the urinal trough, in sufficient quantities and at frequent intervals. The floors, seats and urinals must be scrubbed as often as necessary.

Section 8

Any shelter and sanitary facilities which have been constructed and are presently being maintained in accordance with an agreement heretofore entered into between th parties in interest, and agreed to or ordered by the Railroad Commission, shall be deemed a complete compliance with these rules and regulations, until such time as a specific complaint is filed with the Commission claiming that, on account of changes made in the uses of the facilities, such facilities are inadequate. Provided, nothing herein shall be construed to abrogate or limit any agreement between the interested parties now in effect which provides for better or more adequate facilities, or to prevent the negotiation of such an agreement in the future.

Section 9

Any shelter and sanitary facilities which have been constructed or enforcement of this order, or any part thereof, at any particular place, will be unjust or unreasonable, may apply to the Railroad

Commission for relief therefrom, and the Commission may, by written order, relieve such railroad company from the application of this order, or any part thereof, at such place, or modify the same in such manner and to such *entent* as shall be just and reasonable.

Section 10

In the absence of specific complaint, present facilities shall be deemed adequate. In the event of a complaint filed hereafter in respect of such facilities, and the Commission shall find the same inadequate, the railroad company involved shall have a reasonable time in which to complete the work required in the light of the then existing situation, circumstances and conditions.

Section 11

In the event of any dispute or disagreement between any employee and any employer as to the intent, meaning and interpretation of any or all of the rules hereinabove set forth, the Railroad Commission reserves unto itself the right to set a hearing thereon, and to issue appropriate order or orders, so as to effectuate and carry out the intent and purpose of said rules.

HB 149: AN ACT creating a state college at Elizabethtown, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby established in the City of Elizabethtown, Kentucky, or the environs thereof, a state college, to be known as the Elizabethtown State College. This college is to be established, maintained and operated in the same manner as other state colleges now existing and recognized as established and maintained.

HB 159: AN ACT relating to judge of police court in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 26.150 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class the police court shall have one judge. He shall receive a salary fixed by ordinance at not more than four thousand, eight hundred dollars, nor less than three thousand dollars, per annum, payable monthly, and no other compensation except the fees allowed to judges for holding examining trials in felony cases. He shall have each year a vacation of one month. No person shall be eligible to be police judge unless at the time of his election he is at least thirty years of age, has been actively engaged in the practice of law in the city in which he will serve for at least four years in the last ten years proceeding his election, and is a member in good standing of the Bar of Kentucky, and has been a resident of the city for at least four years.

HB 164: AN ACT relating to railroad passenger service and amending section 276.480 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 276.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon the application of any carrier by rail, the commission may, after giving public notice and holding such hearing as it may by order, direct, authorize discontinuation of passenger service on any line or branch of such carrier by rail if the commission finds that such passenger service has been and is being carried on at a loss without reasonable probability of future improvement and, that such carrier by rail is not earning, from other transportation service, a net income above maintenance and operating costs and a fair return on the value of all its property devoted to the transportation service sufficient to enable recoupment from the loss which has been sustained or will be sustained as a result of continuing operation of the passenger service sought to be discontinued. A decision by the commission shall be based on a consideration of the declared public policy that all common carriers operating in the state shall furnish every necessary transportation service at the lowest cost possible under economical administration with no particular transportation service being required to be furnished when its cost of operation casts an unreasonable burden upon other transportation services required by public necessity and when the public fails to utilize such service to such an extent as to indicate public necessity of such service. No carrier by rail shall discontinue its passenger train or substitute a mixed train for a passenger train or bud cars with less operating employees than are employed upon passenger trains until the commission shall have authorized the discontinuance or substitution in accordance with this section, provided, however, that this clause shall not apply to seasonal passenger trains.

(2) Any carrier by rail that has established and maintained throughout the year for five consecutive years, a passenger station at any point on its line, shall not abandon the station without the written consent of the commission.

HB 186: AN ACT relating to taxation for school purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.475 of the Kentucky Revised Statutes is amended to read as follows:

(1) The ad valorem tax levy for school purposes, other than sinking fund purposes, in each school district, shall not be less than twenty-five cents on each one hundred dollars of property subject to local taxation.

(2) The board of education of any district may request the levy of a poll tax, not exceeding two dollars on each male inhabitant within the district over twenty-one years of age who is not exempt by law from payment of poll tax.

(3) All existing subdistrict school tax levies, except those required to retire voted bonds, are hereby abolished.

HB 189: AN ACT relating to the disposal of carcasses of domestic animals and other packing house refuse.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 1. As used in this Act except where the context clearly indicates a different meaning:

(1) "Board" means the State Board of Health.

(2) "Disposal plant" means a place of business or a location where the carcasses of domestic animals or packing house refuse are purchased, received, or unloaded and where such carcasses or refuse (1) either are processed for the purpose of obtaining the hide, skin, grease, residue, or in any other by-product from said animal or refuse, or (2) are fed to hogs, dogs or other animals.

(3) "Substation" means a concentration site equipped with at least one storage building and operated and maintained for the temporary deposit or storage of the carcasses destined for the disposal plant.

(4) The term "carcasses of domestic animals" means bodies, or any part or portion thereof, of dead domestic animals not slaughtered for human food.

Section 2. No person shall engage in the business of operating a disposal plant without first obtaining a license from the State Board of Health. No person shall transport or move upon a public highway carcasses of domestice animals or packing house refuse, except in a vehicle for which a permit has been obtained from the State Board of Health.

Section 3. Application for license to operate a disposal plant shall be made to the State Board of Health on forms provided by it which application shall set forth the name and residence of the applicant, his place or proposed place of business, and the particular method which applicant intends to employ in the disposal of carcasses of domestic animals and packing house refuse, the number of vehicles he intends to use, and such other information as the board may require. The application shall be accompanied by a fee of one hundred dollars for each disposal plant.

Section 4. Application for a permit for a vehicle, or vehicles, to be used in the transportation of carcasses of domestic animals or packing house refuse on public highways shall be made to the State Board of Health on forms provided by it, which application shall set forth (1) the type, make and year of each vehicle, (2) area of proposed operations, (3) name and address of the disposal plant or the disposal plants where deliveries are to be made and (4) such other information as the board may desire. The application shall be accompanied by a fee of ten dollars for each such vehicle.

Section 5. Upon receipt of applications, as provided in Sections 3 and 4, the board shall cause inspection to be made of the buildings, substations, equipment to be used in conducting a disposal plant, and the vehicles intended to be used in the transportation of carcasses of domestic animals or other refuse. Written report of the investigation shall be filed with the board.

Section 6. If the board shall find that the applicant for license is a responsible and suitable person to conduct a disposal plant, and that the plant, substations, vehicles, and equipment of the applicant and the methods of operation proposed comply with all the provisions of this Act, and with the rules and regulations authorized and adopted under provisions of this Act, and that such disposal plants and substations are located in places approved by the board, it shall notify such applicant to that effect. Thereupon, such applicant shall pay to the board the further and additional sum of twenty-five dollars for each substation. Upon receipt of said sums, the board shall issue to such applicant a license for such disposal plant, and a permit for each substation and each vehicle for which license application has been made. All fees collected shall be credited to the agency funds of the Department of Health. A permit for each substation shall be posted in a conspicuous place on such premises; a permit for each vehicle used in the transportation upon the public highways of carcasses of domestic animals or packing house refuse, or approved evidence of such permit shall be attached to said vehicles in a conspicuous place on the left side of the car.

Section 7. If the board finds that the buildings, substations, equipment, vehicles, and proposed methods of operation do not fully comply with the requirements of this Act and the rules and regulations authorized and adopted hereunder, it shall notify the applicant wherein the same fails to so comply. If, within a reasonable time thereafter, to be fixed by the board, the applicant notifies the board that such defects are remedied, a second inspection shall be made in the same manner as upon the original application, and not more than two such inspections need be made under one application. In case a license is denied, no part of the fee paid by the applicant shall be refunded.

Section 8. All licenses and permits issued under this Act shall expire on June 30 following date of issuance. All applications for renewal of licenses and permits shall be in compliance with the requirements for issuance of original licenses and permits.

Section 9. All vehicles used in the transportation upon public highways of the carcasses of any domestic animals or packing house refuse, shall conform with the following conditions and limitations:

(1) The carcasses of domestic animals or packing house refuse, shall be placed in containers or vehicles which are constructed of or lined with impervious material, and which do not permit the escape of any liquid, and which are covered in such a way that the contents shall not be openly exposed to insects;

(2) After original loading, the carcasses of domestic animals or packing house refuse shall not be moved from the transporting container or vehicle upon a public highway or in any other place except at the disposal plant or an authorized substation;

(3) Containers and vehicles shall be disinfected each time before leaving a disposal plant, or substation, and the exterior thereof shall be disinfected each time, after loading and before entering the highway, all in conformance with requirements and regulations prescribed by the board;

(4) Containers and vehicles used for transporting carcasses of domestic animals or packing house refuse shall not be used for the transportation of food or feed for human or livestock consumption;

(5) Live animals destined for either substation or disposal plant must be transported separately from carcasses and refuse.

Section 10. All disposal plants and substations used in connection therewith shall conform with the following requirements:

(1) All floors of buildings shall be constructed of concrete or other impervious material;

(2) Adequate sanitary drainage must be provided;

(3) All buildings must be so constructed and maintained that no unsterile liquid is permitted to escape openly therefrom;

(4) All disposal plants and substations, shall be so located, arranged, constructed, and maintained, and the operation so conducted at all times consistent with public health and safety;

Section 11. The following requirements shall be observed in the disposal of the carcasses of domestic animals or packing house refuse:

(1) All carcasses shall be processed or disposed of within 48 hours after being delivered to the plant;

(2) Cooking vats or tanks shall be airtight, except proper escapes for live steam;

(3) Steam shall be so disposed of as not to cause unnecessary annoyance or create a nuisance;

(4) The skinning and dismembering of bodies shall be done within said building;

(5) No uncooked carcasses or portions of carcasses shall be fed to any livestock;

(6) Such portions of bodies as are not entirely consumed by cooking or burning shall be disposed of by burying to such depth that no part of such carcasses shall be nearer to the surface of the ground than four feet, and every part of said body shall be covered with quick lime.

Section 12. The board shall make such reasonable rules and regulations for carrying out the provisions of this Act as it may deem advisable.

Section 13. (1) The board shall cause to be inspected at least once a year, or as often as it deems necessary, every disposal plant, substation, or vehicle licensed or permitted hereunder, and to accomplish this purpose its inspectors may enter and have access thereto at any reasonable time. Whenever upon such inspection it is found that the business and property inspected is not being conducted or is not equipped in the manner required by law, the inspector or department shall notify the owner, proprietor or agent in charge of the business. Such owner, proprietor or agent shall forthwith comply with the requirements of the law, unless reasonable time is granted by the board for compliance.

(2) The officer or inspector making the inspection shall report such conditions and violations to the board or to the local health officer. Thereafter the procedure shall be as provided in subsection (3) of KRS 217.380.

(3) All notices provided for in this Act to be served by the Department or its inspectors shall be in writing, and delivered personally or by registered mail to the owner, proprietor or agent.

Section 14. The provisions of this Act shall be construed to apply to the transportation upon public highways of carcasses of domestic animals and refuse destined for disposal plant from point of origin to disposal plants or to substations. The provisions of this Act shall not apply to disposal plants operating under the supervision of the United States bureau of animal industry, meat inspection division.

Section 15. Any person who shall wilfully violate any of the provisions of this Act, or shall wilfully fail to comply with any of the provisions of this Act, or any of the rules and regulations adopted hereunder, shall be fined not less than $250 nor more than $1,000.

HB 203: AN ACT relating to juries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Grand jurors and petit jurors in circuit court shall each be paid ten dollars per day for jury service. Persons whose names are on the jury list for jury service in circuit court, or are summoned under KRS 29.280 to supply a deficiency, who appear in person in court in response to summons, and who do not claim exemption or ask to be relieved from jury service, shall receive ten dollars per day for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

(2) When kept together overnight in the custody of the sheriff petit jurors shall receive ten dollars additional for each night they are kept together.

(3) In courts inferior to the circuit court, except in counties containing a city of the second class, each juror shall be paid fifty cents for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

(4) In courts inferior to the circuit court, in counties containing a city of the second class, each juror shall be paid $1.50 for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

HB 222: AN ACT relating to the office of special circuit judge of this Commonwealth, and to amend Sections 23.310 and 23.350 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 23.310 of the Kentucky Revised Statutes is amended to read as follows:

Each person who, after the effective date of this Act, has served as a regular circuit judge in this Commonwealth and whose total service as a regular circuit judge, including service prior to July 1, 1954, is as much as ten years, and who has contributed for a minimum of two years to the special circuit judge fund herein provided for; or who has paid directly into such fund the amount provided for in KRS 23.350, and who has reached his sixtieth birthday, shall be eligible for appointment as a special circuit judge of this Commonwealth.

Section 2. Section 23.350 of the Kentucky Revised Statutes is amended to read as follows:

There is hereby established in the State Treasury a separate fund to be known as the special circuit judge fund. Each regular circuit judge shall contribute into this fund an amount equal to two percent of his annual salary as a circuit judge paid by the state, such contribution to be deducted by the State Treasurer from the monthly pay of such circuit judge and credited in the special circuit judge fund to such circuit judge. All former circuit judges who are eligible for appointment as special circuit judge under the provisions of KRS 23.310 but who were not regular circuit judges on July 1, 1954 and who did not have their contributions deducted by the State Treasurer, may pay directly into the special circuit judge fund the sum of three hundred dollars each.

HB 232: AN ACT relating to jurisdiction of courts in civil offenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Where any part of a river, watercourse, highway, road or street constitutes the boundary line between two counties, the courts, circuit and county, of both counties shall have concurrent jurisdiction of civil matters arising out of any cause of action occuring on the river, watercourse, highway, road or street constituting the common boundary.

HB 237: AN ACT relating to motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person who becomes a passenger in any motor vehicle without paying compensation for his transportation thereby covenants and agrees to and with the owner and operator that he will not sue the owner and operator or either of them, for any injuries or damages sustained in any accident involving the motor vehicle, unless the passenger when entering the vehicle shall inform the operator thereof that he does not so covenant or agree with the owner or operator.

HB 266: AN ACT relating to Auditor of Public Accounts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 43.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Auditor shall, once in each year, examine the books, accounts and papers of all county officers receiving or disbursing county funds. The examination shall be made at the same time the Auditor makes the examination for the benefit of the state, and the county shall bear its proportionate part of the actual expense of the examination.

(2) The report of the findings and recommendations of the Auditor shall be published in the newspaper published in the county which has the largest bona fide circulation therein and the cost of such publications shall be paid out of the county treasury.

HB 273: AN ACT relating to employment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 336.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) Employes may, free from restraint or coercion by the employer or their agents, associate collectively for self-organization and designate collectively representatives of their own choosing to negotiate the terms and conditions of their employment to effectively promote their own rights and general welfare. Employes, collectively and individually, may strike, engage in peaceful picketing, and assemble collectively for peaceful purposes.

(2) Neither employers or their agents nor employes or associations, organizations or groups of employes shall engage or be permitted to engage in unfair or illegal acts or practices or resort to violence, intimidation, threats or coercion.

(3) Any employe shall, upon proof of discharge from his employment in violation of this section, be restored to his former position and rate of pay as of the time of such discharge.

Section 2. Any person who violates KRS 336.130 shall be fined not less than one hundred dollars nor more than five hundred dollars, and each continuing day of such violation shall constitute a separate offense.

HB 291: AN ACT relating to qualification, registration and purgation of voters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Notwithstanding the provisions of KRS 117.620, 117.715 and 117.720, the judges of the election in each precinct shall register each qualified voter who makes application to them for registration and who satisfactorily establishes his right to be registered. The manner of registering shall conform to that provided by law for registration by the county clerk. No person registered on the day of a primary election shall be permitted to vote in such election, nor in any election to be held within thirty days thereafter. The judges of election shall deliver the new registrations to the county clerk immediately following the primary election, and he shall enter them in the regular registration books.

Section 2. In precincts within the limits of a city of the first class the manner of registering shall conform to that provided by law for registration by the registrar, assistant registrar and deputy registrars appointed by the Board of Registration Commissioners, as provided for in section 117.695 of the Kentucky Revised Statutes and the judges of election shall deliver the new registration to the registrar immediately following the primary election and he shall enter them in the regular registration books.

HB 310: AN ACT relating to the marketing of farm products and to provide for the creation of non-profit public corporations to be known as "Farm Products Market Facilities."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The purpose of this Act is to provide a permissive method for the establishment of terminal and assembly markets, through the creation of non-profit public corporations to be known as "Farm Products Market Facilities," in order to promote the efficient and economic handling of farm and food products at wholesale in the interest of the grower, the food trade, and the consuming public, the method to be in addition and supplemental to any and all other methods for the creation of such types of markets provided for or permitted under the laws of this state. It is further the purpose of this Act to promote an efficient place where private enterprise can operate effectively and to maintain the management of the market in the hands of those who use it. There shall be no interference by the management of the market with such incidents of private enterprise as profits, prices and types of farm and food products dealt in.

Section 2. As used in this Act, unless the context otherwise requires:

(1) "Farm products" means all agricultural, floricultural, vegetable, and fruit products of the soil, livestock and meats, poultry, eggs, dairy products, and any and all products which have their situs of production on the farm.

(2) "Food products" means any and all products either in a natural or processed state used by man or animal as food.

(3) "Person" means any individual, partnership, corporation, association, or any other business entity.

(4) "Farmer" means any person principally engaged in the commercial production of farm products.

(5) "Wholesaler" means any person other than a farmer who engages primarily in the trading in farm and food products for resale to person other than consumers.

(6) "Retailer" means any person other than a farmer who engages primarily in the selling of farm or food products directly to the consumers.

(7) "Facility" means a public corporation, termed a farm product market facility, created under the provisions of this Act.

(8) "Market" means the physical areas, structures, and appurtenances owned, leased, or operated by a facility in connection with the performance of its functions under this Act.

(9) "Terminal Markets" means a market for farm and food products, located in a predominantly consuming area and opporated primarily for the purpose of facilitating the sale or other disposal of such products at wholesale.

(10) "Assembly Market" means a market for farm and food products, located in a predominantly producing area and operated primarily for the assembly, sale and shipment of such products to terminal markets or other outlets.

(11) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

Section 3. Any organization or group of farmers, wholesalers, retailers, or any political subdivision of the state may, individually or jointly, petition the commissioner, in the manner hereinafter provided, for the establishment of a terminal farm products market facility; and any organization of farmers or any political subdivision of the state may, individually or jointly, petition the commissioner, in the manner hereinafter provided, for the establishment of an assembly farm products market facility. The petition, in either case, shall set forth:

(1) The territory in which the facility shall be designated to operate, the city or town, the county in which the market is to be located, and whether the market is to be a terminal or an assembly market;

(2) The name and post-office address of each petitioner, and the fact that each such petitioner operates within the territory of operation described in the petition; the qualifications of each such petitioner under the provisions of this Act; the name and post-office address of the individual representative of each such petitioner empowered to execute the petition in its behalf; and a statement of action by each such petitioner authorizing the submission of the petition under the provisions of this Act and granting authority to its individual representative to execute the petition;

(3) The proposed legal name of the facility, which shall include the term "Farm Products Market Facility;"

(4) The purpose of the facility and the need therefor; its proposed methods of financing, management, operation, and its plans for construction and future development;

(5) The names and post-office addresses of the nominees from among whom the Governor is to appoint the board of directors, as provided for in this Act, together with the names and post-office addresses of those who participated in the nomination of each category of directors, as hereinafter provided.

Section 4. Upon the receipt of a petition, meeting the requirements of Section (3) above, the Commissioner shall cause an examination to be made; shall, within a reasonable time, cause a public hearing relative thereto to be held; and shall promptly report his findings with recommendations to the Governor, taking into consideration in the holding of such hearings and the making of such recommendations, the type, plans, and the probability of financial soundness of the facility, the trading area to be served, the proximity of existing or proposed markets, and the natural flow of produce in the territory of operation, and any other circumstances which in his opinion may be relevant.

Section 5. The Governor, if he is satisfied that the purpose of this Act will be effectuated, shall approve said petition and shall cause to be prepared and issued a certificate of authority creating such facility and granting to it the right of operation as a public corporation in accordance with the provisions of this Act; provided, however, that the Governor, prior to such approval, may direct the Commissioner to hold further hearings and to submit new or additional recommendations.

Section 6. The first board of directors of a terminal market facility shall consist of nine (9) members, as follows:

(1) The Governor shall appoint two (2) directors from a list of four (4) wholesalers nominated by a majority vote at a general meeting of the wholesalers licensed under the United States Perishable Agricultural Commodities Act and operating within the territory of operation as defined in the certificate of authority; two (2) directors from a list of four (4) farmers nominated by a majority vote at a general meeting of farmers residing and normally marketing their products within said territory, and called for that purpose by the petitioner or petitioners upon due notice of such meeting published in a newspaper or other publication of general circulation in said territory; one (1) director from a list of three (3) businessmen, not wholesalers or retailers, nominated by the chamber of commerce in the city or town in which the market is to be located, through formal action by its governing body; and one (1) director from a list of three retailers nominated by an association of retailers in the city or town in which the market is to be located, through the formal action of the association's governing body or by a majority vote at a meeting of retailers called for that purpose by the petitioner or petitioners upon due notice given in a newspaper or other publication of general circulation in the city or town.

(2) The chief executive officer of the city or town shall serve as director or in case the market is not to be located in a city or town, then the governing body of the county in which the market is to be located, shall appoint one (1) director.

(3) The commissioner and the director of the Division of Markets or their representatives from the Department of Agriculture,

Labor and Statistics shall be ex-officio members of the board of directors, and shall be entitled to one vote each at all meetings of the board.

Section 7. Of the first board of directors of a terminal market facility, one (1) farmer director and one (1) wholesaler director shall be appointed for a term of three years; one (1) director representing farmers, one (1) director representing wholesalers, and the director representing the city or town government shall be appointed for a term of two years; and the director representing retailers, and the director representing businessmen shall be appointed for one year. Each director shall continue to serve until his successor shall be appointed and qualify.

Section 8. At the expiration of the term of the first appointed directors of a terminal market facility, their successors shall be nominated and appointed as provided in Section 6 hereof, for terms of three years or until their respective successors shall have been appointed and qualify except that the Governor shall appoint the two wholesaler directors from a list of four holesalers nominated by a majority of the wholesalers operating within the market facilities, and the two farmer directors from a list of four farmers nominated by a majority vote at a meeting of the farmers delivering their own produce to the market. In the event any of the above groups fail to nominate candidates for the board of directors under this section, the Governor shall appoint a director with similar qualifications.

Section 9. The first board of directors of an assembly market facility shall consist of seven (7) members, as follows:

(a) The Governor shall appoint four (4) directors from a list of eight (8) farmers nominated by a majority vote at a general meeting, of the farmers normally marketing their products within said territory, and called for that purpose by the petitioner or petitioners upon due notice of such meeting published in a newspaper or other publication of general circulation in said territory, and one (1) director representing appropriate public agricultural agencies in the county not already represented on the board of directors provided that if no such agency exists the Governor may appoint a person with similar qualifications.

(b) The chief executive officer of the city or town shall serve as director or in case the market is not to be located in a city or town, then the governing body of the county in which the market is to be located, shall appoint one (1) director.

(c) The commissioner or Director of Markets shall be an ex-officio member of the board of directors, and entitled to a vote at all meetings.

Section 10. Of the first board of directors of an assembly market facility, two (2) farmer directors shall be appointed for a term of three (3) years, one (1) farmer director and the director representing the city, town or county government, shall be appointed for two (2) years; the director representing the public agricultural agencies in said territory, and one (1) farmer director shall be appointed for a term of one (1) year. Each director shall continue to serve until his successor shall be appointed and qualify.

Section 11. At the expiration of the terms of the first appointed directors of an assembly market facility, their successor shall:

(a) Be nominated and appointed, as provided in Section 9 hereof, for terms of three years or until their respective successors shall have been appointed and qualify, except that the Governor shall appoint the four (4) farmer directors from a list of eight (8) farmers nominated by a majority vote at a meeting of the farmers delivering their own products to the market. In the event of the above group failing to nominate candidates for the board of directors under this section, the governor shall appoint a director or directors with the same qualifications.

Section 12. The Governor, after notice and apportunity for hearing, may remove any director of any facility created hereunder, because of inefficiency, neglect of duty or misconduct in office. In the event that any director is unable or fails for any reason to complete his term, the Governor shall appoint in his place a director for the unexpired term, nominated in the same manner as the director he is to succeed.

Section 13. Each member of the board of directors of any facility created hereunder, shall before entering upon the duties of his office, take the constitutional oath of office and file the same in the office of the Secretary of State. Five (5) members of the board of directors of a terminal market facility and four (4) members of the board of directors of an assembly market facility, shall, respectfully constitute a quorum for the transaction of business of the particular facility; in each case the concurrence of a majority present at a meeting at which a quorum is present shall be necessary for the passage of any resolution, order or determination. The board of directors of either type of facility may appoint an executive committee and such other special committee at it deems proper. Each board shall meet at least once each quarter during the fiscal year and during its first meeting of each fiscal year, shall choose a chairman and a treasurer by a majority of all directors. The directors of a terminal market facility shall receive $8.00 for each meeting and shall be paid actual travel expenses not to exceed $.07 per mile; the directors of an assembly market facility shall be paid $8.00 for each meeting and shall be paid travel expenses not to exceed $.07 per mile.

Section 14. Any facility created under the terms of this Act, shall, through the action of its board of directors, taken as provided in this Act, have power:

(1) To acquire, by purchase, lease or otherwise, with the approval of the State Building and Property Commission, such land or any interest in land, or other property, real or personal, as may be necessary in its opinion to the operation of the market, and may mortgage, sell, lease, rent, exchange, or otherwise dispose of, any such property as it may deem advisable; provided, however, that no real estate shall be sold or mortgaged unless the sale is approved by the Governor and trustee of the bondholders.

(2) Subject to the provisions of KRS 56.090, to plan, build, construct, or operate, or cause to be built, constructed, or operated, such buildings, structures, equipment, and appurtenances thereto as it may deem necessary for the operation of the market, including, without limiting the generality of the foregoing, restaurants, filling stations, garages and warehouses, provisions for sanitation and similar accessories for market operation.

(3) To borrow money, make and issue negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations (herein called "bonds") of the facility, said bonds to have a maturity date not longer than 30 years from the date of issue, and to secure the payment of such bonds or any part thereof by pledge or mortgage of all or any of its revenues, receipts or other assets, real or personal, and to make such agreements with the purchasers or holders of such bonds, or with others in connection with any such bonds (whether issued or to be issued), as the facility shall deem advisable, and in general to provide for the security for said bonds and the rights of the holders thereof; provided, however, that no obligations incurred by the facility shall be a debt of the state or any of its political subdivisions, or a pledge of the credit or taking power of the state or any political subdivision thereof. The facility is authorized to receive appropriations, gifts, and contributions of money, supplies, goods and services, or loans thereof, if approved by the Governor or appropriate state agency, and the political subdivisions of this state are hereby authorized to make, upon such terms and in such manner as may be required by the laws of this state, such apporpriations and loans to such facilities.

(4) To employ a market manager qualified to operate a market of the type contemplated by the facility and such additional employes as may be necessary for the management and operation of the market.

(5) To fix the salaries of the market manager and any other authorized employes of the market.

(6) To fix, alter, charge and collect rentals and charges for stores, stalls, space, buildings, equipment and other appurtenances, privileges, and services furnished or performed, in or in connection with the market, for the purpose of providing for the payment of the expenses of the facility, the construction, improvement, repair, maintenance and operation of its properties, the payment of the principal of and interest on its obligations, and to fulfill the terms and pro-

visions of any agreements made with the purchasers and holders of any such obligations; provided, however, that such rentals and charges shall not be designed to render a profit to the facility.

(7) To promulgate reasonable rules or regulations relating to the use of the market, including, without limiting the generality of the foregoing, rules and regulations relating to hours of business, sanitation, traffic, and such other matters as are normally incidental to the proper management of a market; provided, however, that no such rule or regulation shall fix or regulate prices, profits or types of farm and food products dealt in.

(8) In its discretion, reasonably exercised, and after due notice and an opportunity to be heard, to suspend or revoke any or all rights or privileges of any person violating the rules and regulations provided for in paragraph (7) above, enjoyed in connection with his activities in the market.

(9) To make contracts of any name and nature and to execute all instruments necessary or convenient for the carrying on of its business.

(10) To enter into and maintain contracts for all such types of insurance as it may deem necessary to protect the facility against loss.

(11) To enter into contracts of group insurance for the benefit of its employes, and to set up a retirement or benefit fund for such employes.

(12) To adopt a corporate seal.

(13) To make by-laws for the management and regulations of its affairs.

(14) To sue and be sued in its corporate name.

(15) To delegate to the market manager or other officers of the facility such duties and responsibilities in relation to the operation of the market as it may deem reasonably necessary.

(16) In general, to do such other acts and things as may be reasonably necessary or convenient to carry out the powers hereinabove enumerated, and to carry on the operations of a wholesale market for farm and food products in accordance with the general provisions of this Act.

Section 15. The exercise of the powers granted in Section 14 of this Act, shall be deemed to be expressly limited as follows:

(1) The facility shall be subject to all the zoning, building, fire, sanitary, health and other police ordinances and regulations of the state and political subdivisions in which it is established.

(2) The facility shall have no power to discriminate in its operations against the sale of any farm or food product, or against any producer of such products, on account of the county, state, or political subdivision in which any such products are produced, or on account of the legal nature of the producer or other person engaged in the marketing of any such products, or on account of the conditions of

employment or the nature of the labor employed in the production or marketing of such products or on account of the method of transportation; but every facility shall take every reasonable caution to prevent any such discrimination.

(3) The facility shall have no power to acquire, construct, maintain or operate more than one market, nor shall it acquire, construct, maintain or operate a market which is not operated primarily for the purpose of handling farm and food products at wholesale.

(4) No member of the Board of Directors of any facility shall be interested directly or indirectly in any transaction with the facility except in connection with his normal business operations in the market.

(5) No facility shall itself engage directly or indirectly in the purchase or sale of farm or food products, or engage in any business other than that of managing the market facility.

Section 16. (1) The bonds of the Facility hereinabove referred to and authorized to be issued, shall be authorized by resolution or resolutions of the board thereof and shall be of such series, bear such date or dates, mature at such time or times, not exceeding thirty years from their respective dates, bear interest at such rates, not exceeding 6% per annum, payable annually or semi-annually, be in such denominations, be in such form, either coupon or fully registered without coupons, carry such registration, exchangeability and interchangeability privileges; be payable in such medium of payment and at such place or places; be subject to such terms of redemption not exceeding 105 per centum of the principal amount thereof; and be entitled to such priorities with respect to the revenues or receipts of the Facility, as all such resolution or resolutions may provide. The bonds shall be signed by such officers as the Facility shall determine, and the coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of the treasurer of the Facility, all as may be prescribed in such resolution or resolutions. Any such bonds may be issued and delivered notwithstanding that one or more of the officers signing such bonds or the treasurer whose facsimile signature shall be upon the coupons if any, shall have ceased to be such officer or officers at the time such bonds shall actually be delivered. Pending the preparation and delivery of definitive bonds, interim receipts or temporary bonds may be issued and delivered to the purchaser or purchasers of such definitive bonds, and may contain such terms and conditions as the Facility may determine. Said bonds may be sold at public or private sale for such price or prices as the Facility may determine, provided that the interest cost to maturity of the bonds shall not exceed 6 per centum per annum.

(2) Any resolution or resolutions authorizing the issuance of any bonds may contain provisions which shall be part of the contract with the holders thereof, as to:

(a) Pledging the full faith and credit of the Facility (with the express understanding that no obligations incurred by the Facility shall be an obligation of the state or any of its political subdivisions, or a pledge of the credit and taxing power of the state or any political subdivision thereof) as security for such obligations, or restricting such security to all or any part of the revenues of the Facility from all or any of its properties,

(b) The construction, improvement, operation, extension, enlargement, maintenance and repair of the properties of the Facility, and the duty of the Facility with reference thereto,

(c) The terms and provisions of the bonds,

(d) Limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued may be applied,

(e) The rate of rentals and charges for stores, stalls, space, buildings, equipment, and other appurtenances, privileges, and the services furnished or performed, on or in connection with the market,

(f) The setting aside of reserves and sinking funds and the regulation and the disposition thereof,

(g) Limitations on the issuance of additional bonds,

(h) The terms and provisions of any deed of trust or indenture securing the bonds or under which the same may be issued, and

(i) Any other or additional agreements with the holders of the bonds,

(3) In order to secure any such bonds, any Facility may enter into any mortgages, deeds of trusts, indentures or other agreements with any bank or trust company, or other person or persons in the United States having power to enter into the same, including any Federal agency, and may assign and pledge any or all of the revenues, receipts or other assets, real or personal, of the Facility thereunder. Such mortgage, deed of trust, indenture or other agreement may contain such provisions as may be customary in such instruments, or as the Facility may authorize, including (but without limitation) provisions as to (a) the construction, improvement, alteration, expansion, operation, maintenance and repair of any properties of the Facility, and the duties of the Facility with reference thereto, (b) the application of funds and safeguarding of funds on hand or on deposit, (c) the rights and remedies of the trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (d) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same.

(4) (a) The bond shall have all the qualities of negotiable instruments under the law of merchant and the negotiable instrument law of this state. In the event that the Facility shall default in the payment of the principal or the interest on any of the bonds, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days; or in the event that the facility or any

officers, agents or employes thereof shall fail or refuse to comply with the provisions of this Act or shall default in any agreement made with the holders of the bonds, any holder of bonds or trustee therefor shall have the right to apply in an appropriate judicial proceeding to any court of competent jurisdiction for the appointment of a receiver to represent the bondholders for the purposes herein provided, whether or not bonds have been declared due and payable and whether or not such holders or trustee therefor are seeking or have sought to enforce any other right or exercise any remedy in connection with such bonds. Upon such application the court may appoint, and if the application is made by the holders of or a trustee on behalf of the holders of 25 percent in aggregate principal amount of such bonds then outstanding, shall appoint a receiver to represent the bond holders for the purposes herein provided.

(b) The receiver so appointed shall forthwith directly or by his agents and attorneys enter into and upon and take possession of the properties of the Facility, and may exclude the Facility, its officers, agents and employes and all persons claiming under them wholly therefrom and shall have, hold, use, operate, manage and control the properties of the Facility in the name of the Facility, or otherwise, as the receiver may deem best and shall exercise all of the rights and powers of the Facility with respect to such properties as the Facility itself might do. Such receiver shall maintain, restore, insure and keep insured the properties of the Facility and from time to time shall make all such necessary or proper repairs as may seem expedient to such receiver, and shall establish, levy, maintain and collect such rents and charges in connection with the properties of the Facility as such receiver may deem necessary, proper or reasonable and shall collect and receive all revenues of the Facility and deposit the same in a separate account and apply such revenues so collected and received in such manner as the court shall direct.

(c) Whenever all that is due upon the bonds and interest thereon, and upon any other obligations and interest thereon, having a charge, lien or other encumbrance on the revenues of the Facility under any of the terms of any covenants or agreements with the holders of bonds shall have been paid or deposited as provided therein, and all the faults shall have been cured and made good, the court may, in its discretion and after such notices and hearings as it deems reasonable and proper, direct the receiver to surrender possession of the properties of the Facility to the Facility, the same right of the holders of the bonds to secure the appointment of a receiver to exist upon any subsequent default as herein provided.

(d) Such receiver shall in the performance of the powers hereinabove conferred upon him act under the direction and supervision of the court making such appointment and shall at all times be subject to the orders and decrees of such court and may be removed thereby. Nothing herein contained shall limit or restrict the jurisdiction of such court to enter such other further orders and decrees as such court may deem necessary or appropriate for the exercise by the receiver of any functions specifically set forth therein.

(e) Notwithstanding any thing in this section to the contrary, said receiver shall have no power to sell, assign, mortgage or otherwise dispose of any assets of whatever kind or character belonging to the Facility and useful therefor, but the authority of any such receiver shall be limited to the operation and maintenance of the Facility and no court shall have any jurisdiction to enter any orders or decrees requiring or permitting said receiver to sell, assign, mortgage or otherwise dispose of any such assets.

(5) (a) Subject to any contractural limitations binding upon the holders of any issue of bonds or trustee therefor included by not limited to the restrictions of the exercise of any remedy to a specified proportion or percentage of such holders, any holders of bonds, or trustee therefor, shall have the right and power for the equal benefit and protection of the holders of bonds similarly situated.

(1) By mandamus or other suit, action or proceeding at law or in equity to enforce his rights against Facility and any of its officers, agents or employes, and to require and compel such Facility or any such officers, agents or employes to perform and carry out its and their duties and obligations under this Act and its and their covenants and agreements with bondholders;

(2) By action or suit in equity to require the Facility to account as if it were the trustee of an express trust for the bondholders;

(3) By action or suit in equity to enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders;

(4) Bring suit on the bonds;

(5) By notice in writing to the Facility, declare all bonds due and payable, and if all defaults shall be made good then with the consent of the holders of 25 per centum (or such other percentage as may be specified in any resolution, indenture or other instrument authorizing the issuance of such bonds) of the principal amount of the bonds outstanding, to annul such declaration and its consequences.

(b) No remedy conferred by this Act upon any holder of bonds, or any trustee therefor, is intended to be exclusive of any other remedy, but each such remedy is cumulative and in addition to any other remedy and may be exercised without exhausting and without regard to any other remedy conferred by this Act or any other law. No waiver of any default or breach of duty or contract, whether by any holder of bonds, or any trustee therefor, shall extend to or shall affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any bondholder or any trustee therefor to exercise any right or power accruing upon any default shall impair any such right or power or shall be construied to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the holders of bonds may be enforced and exercised from time to time and as often as may be deemed expedient. In case any suit, action or proceeding to enforce any right or exercise any remedy shall be brought or taken and then discontinued or abandoned, or shall be determined adversely to the holder of the bonds, or any trustee therefor, then and in very such case the Facility and such holder, or such trustee, shall be restored to their former positions and rights and remedies as if no such suit, action or proceeding had been brought or taken.

Section 17. The effectuation of the authorized purposes of the Facility created under this Act, being public corporations, shall and will be in all respects for the benefit of all the people of this State, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions. Since such Facilities will be performing essential public functions in effectuating such purposes, the bonds issued by any such Facility, their transfer and the income therefrom, shall at all times be free from taxation within this State.

Section 18. (1) Immediately after the close of each fiscal year, every Facility established pursuant to this Act shall cause an audit to be made of its operations for such fiscal year. Such audit shall be made by a certified public accountant, or firm of accountants not regularly employed by the Facility for its accounting purposes, or, with the approval of the proper State official, by a regular State accounting agency. Within ninety days after the close of its fiscal year each such Facility shall file with the State Department of Agriculture a copy of such audit together with the names of the officers and directors thereof. Any person violating or failing to comply with the provisions of this Section shall be guilty of a misdemeanor.

(2) Every authority established hereunder shall keep such records and make such reports to the Director of the Division of Markets as may be required by the Director with the approval of the Commissioner.

(3) In case any such authority shall fail or refuse to keep such records and to make such reports as are required by subsection (b) of this section, the Commissioner through the Attorney General or the commonwealth or county attorney for the state or the several counties and cities, may institute the necessary proceedings or otherwise, in his discretion, to have the directors, or such of them as are responsible for such failure or refusal, removed from office as provided in subsection (d) of Section 2 of this Act.

HB 313: AN ACT relating to the establishment of a new city in Campbell County, Kentucky, to consolidate and embrace certain existing cities and unincorporated territory adjacent thereto, and including provisions establishing an independent school district to be embraced within such new city.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is for the purpose of this Act, subject to a vote of disapproval as set forth in Section 7 of this Act, to create a new city, and which shall consolidate and embrace the following territory in Campbell County:

(1) The cities of Newport, Bellevue, Dayton, Fort Thomas, Southgate, Wilder and Woodlawn, and

(2) All unincorporated territory lying within a rectangular boundary consisting of the Ohio River on the north, the Licking River on the west, a true east and west line touching the southernmost point of the boundary of the southernmost one of such cities on the south, and a true north and south line touching the easternmost point of the boundary of the easternmost one of such cities on the east.

Section 2. Unless disapproved by the vote provided for in Section 7 of this Act, the territory embraced and consolidated shall constitute a city of the second class and shall come into existence as such city of the second class on January 1, 1958, and until such time as the form of government shall be changed pursuant to law, shall operate and be governed under the city manager form of government.

Section 3. Unless disapproved by the vote provided for in Section 7 of the Act, the cities embraced and consolidated into a new city of the second class shall cease to exist as corporate municipalities on January 1, 1958.

Section 4. Unless disapproved by the vote provided for in Section 7 of the Act, the terms of any city officers of the cities named in Section 1 of this Act shall expire on January 1, 1958.

Section 5. Within thirty days after the effective date of this Act, the Judges of Campbell Circuit Court and the Judge of Campbell County Court shall meet and appoint a committee for the purpose of selecting a proposed name for the new city. The judges shall appoint a commission composed of eight members, one from each of the cities consolidated and one from the unincorporated territory consolidated. The commission shall meet within fifteen days after their appointment, and select not less than two or more than three proposed names for the new city. A report thereof shall be filed with the County Clerk of Campbell County not less than sixty days after the appointment of the commission, and shall be entered upon the records of the court.

Section 6. At the general election in 1956, the voters of the territory within the new city shall vote on the proposition of defeating the consolidation of the cities and the unincorporated territory into the new city, and on the same ballot shall indicate their preference of a name for the new city. The Clerk of Campbell County shall cause a separate ballot to be prepared for the purpose of this Act and shall cause to be printed on such ballot the following two propositions:

(1) "Are you in favor of defeating the consolidation of the following territory in Campbell County into the new city:

(a) The cities of Newport, Bellevue, Dayton, Fort Thomas, Southgate, Wilder and Woodlawn, and

(b) All unincorporated territory lying within a rectangular boundary consisting of the Ohio River on the north, the Licking River on the west, a true east and west line touching the southernmost part of the boundary of the southernmost one of such cities consolidated on the south, and a true north and south line touching the easternmost point of the boundry of the easternmost one of such cities consolidated on the east?" with proper squares in which the voter may indicate "Yes" or "No".

(2) A question, in appropriate form, enabling the voter to indicate his choice of a name for the new city from the names recommended pursuant to Section 5.

(3) The Clerk of Campbell County shall also cause to be placed on the ballot an appropriately placed statement that proposition (2) is to be voted on regardless of how the voter voted on proposition (1).

Section 7. If a majority of the eligible voters within the boundary of the new city vote to defeat the consolidation of the territory forming the new city, then the new city shall not come into existence as a city of the second class on January 1,1958. If the consolidation is not defeated, the new city shall bear the name receiving the greatest number of votes cast on proposition (2).

Section 8. A primary election shall be held within the city created by this Act in 1957, pursuant to the provisions of KRS 89.440, for the purpose of nominating candidates for the offices provided for in KRS 89.430. The newspaper publications required by KRS 89.440 shall be made in the newspaper having the largest bona fide circulation in the new city. At the regular election in 1957, officers for the city shall be elected from those nominated in the manner provided in KRS 89.450 and 89.460. The officers elected shall take office on January 1, 1958, and serve in accordance with the provisions of KRS 89.430. No primary or general election for city officers of the cities consolidated into the new city shall be held in 1957.

Section 9. All territory embraced within the boundaries of the new city shall constitute a single independent school district. At the regular election in 1957, members of the board of education for the new district shall be elected within the territory to be embraced within the new city as provided by law. The three candidates receiving the largest number of votes shall be elected for a term of three year. The two candidates receiving the next highest number of votes shall be elected for a term of one year. The terms of all school board members in the present independent school districts in the territory embraced within the new city shall expire on January 1, 1958. No elections for members of boards of education shall be held in 1957 in any present independent school district within the territory to be embraced within the new city. The independent school district embraced within the new city shall take over all the assets and legal liabilities of the former separate independent school district, and shall take over all school property within the new city that formerly was operated by the county school district, and shall assume a proportionate part of the legal liabilities of the county school district.

Section 10. Any boards, commissions or similar agencies of any of the cities consolidated into the new city shall be abolished as of January 1, 1958; appropriate board, commissions or agencies of the same or a similar character, authorized by law for cities of the second class, shall be established by the legislative body of the new city in lieu thereof, and all funds and properties of the abolished boards, commissions or agencies shall be transferred to the appropriate new board, commission or agency.

HB 350: AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.099 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 304.103, all policies covering subjects of insurance located or to be performed in this state which are placed by or through a licensed nonresident agent shall be countersigned by a duly licensed resident agent of the insurer. When the premium is paid for any such policy, fifty percent of the full agent's commission payable on account thereof shall be paid to such countersigning agent.

HB 351: AN ACT relating to counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The fiscal court of any county in which there is a county operated hospital may provide for liability and indemnity insurance for the benefit of the patients of the hospital against the negligence of the employes of such hospitals.

Section 2. The insurance policies so purchased by the fiscal court shall be purchased only from insurance companies authorized to transact business in this state, and any such policy shall bind the insurer to pay any final judgment rendered against the insured hospital or hospital employes for the death or injury of any patient, or damage to the property of any patient, resulting from the negligence of the hospital, its agents or employes.

HB 358: AN ACT relating to the classification of the city of Carlisle in Nicholas County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the city of Carlisle, in Nicholas County, is such as to justify its being assigned to the fourth class of cities.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the City of Carlisle, in Nicholas County, is hereby transferred from the fifth to the fourth class of cities.

HB 361: AN ACT relating to tobacco research and declaring an emergency.

WHEREAS, the production of tobacco constitutes a major industry throughout the Commonwealth; and

WHEREAS, tobacco acreage has been reduced twenty-five percent in the past two years, and faces the prospect of another eight percent reduction in the early future; and

WHEREAS, tobacco consumption decreased approximately eight percent during the years 1953 and 1954, and has failed to regain the previous average despite increases in population and national wealth; and

WHEREAS, it is generally accepted that the reduction in tobacco consumption is related, at least in part, to national concern arising out of the possible relationship between the consumption of tobacco and diseases of the heart and cancer; and

WHEREAS, an industry research program, expected to be completed in approximately two years, is presently being conducted for the purpose of identifying any such injurious and harmful substances as may exist in tobacco, and the effects thereof on the health of consumers; and

WHEREAS, any adverse findings reported by the industry's research program would result in a further and ruinous drop in consumption and production to the great detriment of the people of the Commonwealth; and

WHEREAS, it is reliably estimated that an appropriately financed research program will result, within two years, in the development of knowledge making possible the production of non-injurious tobacco strains,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Agricultural Experiment Station of the University of Kentucky is authorized to implement and strengthen its program concerning the physiological and chemical composition of Kentucky tobaccos, for the purpose of developing tobacco strains containing non-injurious substances, with the funds provided for hereby.

Section 2. To carry out the purposes of this Act there is appropriated to the Agricultural Experiment Station of the University of Kentucky, out of the General Expenditure Fund in the State Treasury, the sum of fifteen thousand dollars for the ballance of the 1955-56 fiscal year, the sum of fifty thousand dollars for the 1956-57 fiscal year, and the sum of thirty-five thousand dollars for the 1957-58 fiscal year. Any unexpended funds shall be carried over, without lapse, into succeeding fiscal years.

Section 3. Whereas, it is imperative to the best interest of tobacco producers and consumers, the industry and the Commonwealth of Kentucky that non-injurious tobacco strains be developed at the earliest practicable date, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

HB 369: AN ACT relating to unemployment insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 341.020 of the Kentucky Revised Statutes is amended to read as follows:

Fund, state, contributions and benefits. As used in this chapter, unless the context clearly requires otherwise:

(1) "Fund" means the Unemployment Insurance Fund established by KRS 341.490, to which all contributions, and from which all benefits shall be paid;

(2) "State" includes, in addition to the States of the United States of America, Alaska, Hawaii, the District of Columbia, Puerto Rico and the Dominion of Canada;

(3) "Contributions" means the money payments, exclusive of interest and penalties, to the Unemployment Insurance Fund required by this chapter and by any previous unemployment compensation law of this state; and

(4) "Benefits" means the money payments payable to a worker under this chapter and under any previous unemployment compensation law of this state with respect to his unemployment.

Section 2. Section 341.050 of the Kentucky Revised Statutes is amended to read as follows:

Covered employment. (1) As used in this chapter, unless the context clearly requires otherwise and subject to the other provisions of this section, "covered employment" means service, including service in interstate commerce, performed for wages or under any contract of hire or employment, written or oral, express or implied.

(2) "Covered employment" includes a worker's entire service performed within or both within and without this state if:

(a) The service is performed entirely within such state; or

(b) The service is not localized in any state but some of the service is performed in this state, and:

1. The base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state; or

2. The base of operations or place from which such service is directed or controlled is not in any state in which some part of the services is performed, but the worker's residence is in this state.

(3) Services not covered under subsections (1) or (2) of this section, and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the Federal Government, are covered employment if the worker performing them is a resident of this state and if the Commisisoner approves the election of the employing unit for which they are performed that the entire service of such worker shall be deemed to be covered employment.

(4) Service shall be deemed to be localized within a state if:

(a) The service is performed entirely within such state; or

(b) The service is performed both within and without such state, but the service performed without such state is incidental to the worker's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

(5) Service performed by a worker shall be deemed to be covered employment under this chapter irrespective of whether the common-law relationship of master and servant exists, unless and until it is shown to the satisfaction of the Commissioner that:

(a) Such worker has been and will continue to be free from control and direction in connection with the performance of such service, both under his contract of service and in fact; and

(b) Such service is either outside the usual course of business for which the service is performed, or is performed outside of all the places of business of the enterprise for which the service is performed; and

(c) Such worker is customarily engaged in an independently established trade, ocupation, profession, or business of the same nature as that involved in the service performed.

(6) Unless the employing unit thereof has elected that such services become covered employment under the provisions of subsection (3) of KRS 341.250, "covered employment" does not include:

(a) Agricultural labor;

(b) Domestic service in a private home;

(c) Service performed in the employ of this state, or any political subdivision thereof or of any of its municipalities;

(d) Service performed in the employ of any other state or of any political subdivision thereof, or of the United States Government, and services performed in the employ of a corporation or agency created under an Act of Congress and engaged in the performance of a governmental function and the employes of which are compensated out of funds appropriated by Congress;

(e) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress. The Commisisoner may enter into agreements with the proper agencies under such Act of Congress to provide reciprocal treatment to workers who have, after acquiring potential rights to benefits under this chapter, acquired rights to unemployment compensation under such Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this chapter;

(f) Service performed by a worker in the employ of his son, daughter, or spouse and service performed by a child under the age of twenty-one in the employ of his father or mother;

(g) Service performed in the employ of a corporation, community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation;

(h) Service performed as a student nurse in the employ of a hospital or a nurses' training school by a worker who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to the laws of this state; and service performed as an interne in the employ of a hospital by a worker who has completed a four years' course in a medical school chartered or approved pursuant to the laws of this state;

(i) Service performed by a worker for an employing unit as an insurance agent or as an insurance solicitor, if all such service performed by such worker for such employing unit is performed for remuneration solely by way of commission;

(j) Service performed by a worker under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; or

(k) Service performed by a full-time student who is regularly attending classes at a school, college or university.

Section 3. Section 341.070 of the Kentucky Revised Statutes is amended to read as follows:

Subject employer. As used in this chapter, unless the context clearly requires otherwise, "subject employer" means:

(1) Any employing unit which, in each of three calendar quarters in the preceding calendar year, has in covered employment four or more workers (whether or not the same workers), to as many as four of whom at least fifty dollars in wages was payable to each with respect to such covered employment in each such quarter.

(2) Any employing unit which for some portion of a day (but not necessarily simultaneously) in each of twenty different weeks (whether or not such weeks are consecutive) within either the current or the preceding calendar year, has or had in covered employment four or more workers (whether the same workers are or were employed in each such day).

(3) Any employing unit that succeeds to the organization, trade or business of another employing unit which at the time of such succession is a subject employer; and any employing unit which succeeds to the organization, trade, or business of any previously separate portion of another employing unit, which portion, if treated as a separate employing unit, would be, at the time of the succession, a subject employer under subsections (1) or (2) of this section.

(4) Any employing unit that succeeds to any of the assets of a subject employer's business by any means whatever, otherwise than in the ordinary course of trade, is a subject employer if:

(a) The transferee has continued or resumed the business of the transferor, either in the same establishment or elsewhere; and

(b) The transferee has employed substantially the same workers as those the transferor had employed in connection with the assets acquired; and

(c) The transferee has acquired a previously separate portion of the transferor's assets, which portion, if treated as a separate employing unit, would be, at the time of the succession, a subject employer under subsections (1) or (2) of this section.

(5) Any other employing unit which has elected to become subject to this chapter, pursuant to subsection (3) of KRS 341.250.

(6) Any employing unit which has in covered employment within this state workers subject to the Federal Unemployment Tax Act.

(7) Any employing unit which, having become a subject employer under subsections (1) to (6) of this section, has not ceased to be a subject employer under KRS 341.250.

(8) Nothwithstanding the provisions of this section or any other provisions of this chapter, no employing unit shall be initially determined a subject employer on the basis of covered employment performed more than six calendar years prior to the year in which such determination is made, unless the Commissioner can show that the

records of such employment experience were fraudulently concealed or withheld for the purpose of escaping liability under this chapter.

Section 4. Section 341.270 of the Kentucky Revised Statutes is amended to read as follows:

Determination of employer's contribution rate. (1) Each subject employer's contribution rate shall be two and seven-tenths percent except as otherwise provided in this section.

(2) For each calendar year the rate applicable to each subject employer shall be two and seven-tenths percent unless contributions were payable to his account with respect to the three consecutive years immediately preceding the computation date, and no subject employer's rate shall be less than two and seven-tenths percent unless funds were available throughout the preceding year, from which benefits could have been paid from his account, to any worker in his employ who became unemployed and eligible.

(3) For each calendar year each subject employer's rate shall, except as provided in KRS 341.560, be determined upon the basis of his actual experience in the payment of contributions paid and cerdited to his reserve account and with respect to benefits charged against that account. If, as of the computation date, the balance of that account equals or exceeds five times the largest amount of benefits charged against it within any one of the three years last preceding the computation date, his contribution rate shall be:

(a) One and eight-tenths percent if such balance equals or exceeds three percent but is less than three and one-half percent of that part of the payroll or payrolls by which contributions to that account were measured for the thirty-six months last preceding the computation date;

(b) Nine-tenths of one percent if such balance equals or exceeds three and one-half percent but is less than four percent of that part of the payroll or payrolls by which contributions to that account were measured for the thirty-six months last preceding the computation date;

(c) Zero if such balance equals or exceeds four percent of that part of the payroll or payrolls by which contributions to that account were measured for the thirty-six months last preceding the computation date;

(d) Three and two-tenths percent for the calendar year 1953 and three and seven-tenths percent for each calendar year thereafter, if the employer's reserve account was credited with any sums under the provision of subsection (2) of KRS 341.550 and as further provided in subsection (5) of this section as of the computation date.

(4) The Commission may by regulation prescribe the computation date for determining rates applicable to any calendar year. "Computation date" means the date, occurring at least once in each calendar year and within twenty-seven weeks prior to the effective date of new rates of contributions, as of which those rates are computed.

(5) "Balance" as used in this section and KRS 341.530 to 341.560 means the total of all contributions paid and credited to a reserve account plus the total of all benefits charged in accordance with subsection (2) of KRS 341.550, against the pooled account because of the exhaustion, as of a computation date, of such reserve account less the total of all benefits charged against that reserve account.

Section 5. Section 341.350 of the Kentucky Revised Statutes is amended to read as follows:

Conditions of qualification for benefits. An unemployed worker shall, except as provided in KRS 341.360 and 341.370, be eligible for benefits with respect to any week of unemployment only if:

(1) He has made a claim for benefits;

(2) He has registered for work with respect to such week in accordance with regulations prescribed by the Commission;

(3) He is physically and mentally able to work;

(4) He is available for suitable work;

(5) His total base-period wages are not less than four hundred dollars and are equal to at least one and one-quarter times the base-period wages paid him in that calendar quarter of his base-period in which his base-period wages were highest.

(6) He has served a waiting period of one week of unemployment within his benefit year. No week of unemployment shall be counted as a waiting period unless the worker has satisfied the conditions of subsections (1), (2), (3), (4) and (5) of this section.

Section 6. Section 341.360 of the Kentucky Revised Statutes is amended to read as follows:

Conditions of disqualification for benefits. No worker may serve a waiting period or be paid benefits for any week of unemployment with respect to which:

(1) A strike or other bona fide labor dispute which caused him to leave or lose his employment is in active progress in the establishment in which he is or was employed, except that waiting periods may be served and benefits may be paid unless the employer notifies the Division in writing within seven days after the beginning of such alleged strike or labor dispute of the alleged existence of such strike or labor dispute. For the purpose of this subsection a lock-out shall not be deemed to be a strike or a bona fide labor dispute and no worker shall be denied credit for a waiting period or be denied benefits by reason of a lock-out. As used in this subsection and for the sole purpose of distinguishing between the terms lock-out and strike, the term "lock-out" means the cessation of the furnishing of work by one or more employers to their employes. Provided, that this subsection shall not apply and no worker shall be denied credit for a waiting period or denied benefits if:

(a) He was not participating in or directly interested in the labor dispute which caused his unemployment; and

(b) He did not belong to a grade or class of workers of which, immediately before the commencement of the labor dispute, there were members employed at the establishmnt in which he was employd, any of whom were participating in or directly interested in the dispute.

(2) He has received or is seeking unemployment compensation under an unemployment compensation law of another state or of the United States, except as otherwise provided by an arrangement between this state and such other state or the United States. But if the appropriate agency of such state or of the United States finally determines that he is not entitled to such unemployment compensation, this subsection shall not apply.

Section 7. Section 341.370 of the Kentucky Revised Statutes is amended to read as follows:

Condition of benefit disqualification. (1) According to the circumstances in each case and for the period immediately following the commission of any of the following disqualifying acts, a worker shall be disqualified from receiving benefits or serving a waiting period for:

(a) Not less than one nor more than ten weeks if he has left his most recent suitable work voluntarily without good cause;

(b) Not less than one nor more than sixteen weeks if he has been discharged for misconduct connected with his most recent work, but legitimate activity in connection with labor organizations or failure to join a company union shall not be construed as misconduct;

(c) Not less than one nor more than sixteen weeks if subsequent to his most recent work, he has failed without good cause either to apply for available, suitable work when so directed by the employment office or the Commissioner or to accept suitable work when offered him, or to return to his customary self-employment when so directed by the Commissioner.

(2) A worker shall be disqualified from receiving benefits or serving a waiting period for the duration of any period of unemployment with respect to which:

(a) He was discharged for dishonesty in connection with his most recent work;

(b) He voluntarily quit his most recent work to marry or for the purpose of attending school, or to become self-employed.

(3) A worker shall be disqualified from receiving benefits for any week with respect to which he knowingly made a false statement to establish his right to or the amount of his benefits, and for such additional weeks during his benefit year as the Commissioner may determine according to the circumstances in each case.

(4) No worker shall be disqualified under paragraph (a) or (b) of subsection (1) or subsection (2) of this section unless the employer, within a reasonable time as prescribed by commission regulation, notifies the Division and the worker in writing of the alleged voluntary

quitting or the discharge for misconduct; provided, however, that nothing in this subsection shall restrict the right of the Commissioner to disqualify a worker whose employer has refused or failed to notify the Division of the alleged vountary quitting or discharge for misconduct if such alleged voluntary quitting or discharge for misconduct is known to the Commissioner prior to the time benefits are paid to such worker; provided further, that the exercise of such right by the Commissioner, in the absence of timely notice from the employer, shall not relieve the employers' reserve account of benefit charges under the provisions of KRS 341.530 (3).

(5) As used in this section and in subsection (3) of KRS 341.530, "most recent" work shall be construed as that work which occurred after the first day of the worker's base period and which last preceded the week of unemployment with respect to which benefits are claimed; except that, if the work last preceding such week of unemployment was intermittent or temporary in nature, most recent work may be construed as that work last preceding such intermittent or temporary work.

Section 8. Section 341.380 of the Kentucky Revised Statutes is amended to read as follows:

Payment of benefits; amount. (1) All benefits shall be paid through employment offices, or such other agencies designated by regulations of the Commission. Claims for all payments of benefits shall be made in accordance with regulations of the Commission.

(2) The weekly benefit rate for an eligible worker, whose benefit year begins on or after July 1, 1956, shall be an amount, adjusted to the nearest multiple of one dollar, equal to one-twenty-sixth of the base-period wages paid him during that calendar quarter of his base period in which his base-period wages were highest, except that if such amount is more than thirty-two dollars, the weekly benefit rate shall be thirty-two dollars or if less than eight dollars, the weekly benefit rate shall be eight dollars.

(3) The maximum total amount of benefits payable to any eligible worker during any benefit years shall not exceed an amount equal to twenty-eight times his weekly benefit rate.

(4) Except as provided in KRS 341.390 and subsection (3) of this section, each eligible worker shall be paid benefits, with respect to any week of unemployment, in an amount equal to his weekly benefit rate.

Section 9. Section 341.450 of the Kentucky Revised Statutes is amended to read as follows:

Judicial review. (1) Except as provided in KRS 341.460, within twenty days after the date of the decision of the Commission, any party aggrieved thereby may, after exhausting his remedies before the Commission, secure judicial review thereof by filing a complaint against the Commission in the circuit court of the county in which the claimant was last employed by a subject employer whose reserve account is affected by such claims. Any other party to the proceeding before the Commission shall be made a defendant in such action. The complaint shall state fully the grounds upon which review is sought, assign all errors relied on, and shall be verified by the plaintiff or his attorney. The plaintiff shall furnish copies thereof for each defendant to the Commission, which shall deliver one copy to each defendant.

(2) Summons shall issue upon the complaint directing the Commission to file answer within twenty days after service thereof. Such summons shall be served upon a member of the Commission, or upon such person as the Commission designates, and such service shall be deemed complete service upon all members of the Commission. The Commission may be represented by any qualified attorney designated by the Commission for that purpose or, at the request of the Commission, by the Attorney-General. With its answer, the Commission shall certify and file as an exhibit with the court all documents and papers, and a transcript of all testimony taken in the matter, and orders made therein, together with its findings of fact and decision therein. If consented to by the plaintiff and the adverse party, an abstract of any portion of the record may be certified by the Commission in lieu of certifying such portion of the record in full. The Commission may certify to the court questions of law involved in any decision by it.

(3) Such actions, and the questions so certified, shall be heard by the court in a summary manner upon the record certified by the Commission. The court on its own motion or on the motion of an interested party shall assign a date certain for the review, irrespective of the regular term of court. The clerk of the court shall notify the attorneys of record, the date assigned for review at least ten days in advance thereof. The court shall enter judgment, affirming, modifying, or setting aside the order and the decision appealed from, or determining the question of law certified to it by the Commission, and may in advance of judgment, remand the case to the Commission for further proceedings in accordance with the direction of the court.

(4) An appeal may be taken from the decision of the circuit court to the Court of Appeals, in the same manner, but not inconsistent with the provisions of this chapter, as is provided in equity cases.

(5) It shall not be necessary, in any judicial proceeding under this section or KRS 341.460, to have entered exceptions to the rulings of the Commission, and no bond shall be required for entering such appeal. Upon the final determination of such judicial proceeding, the Commission shall enter an order in accordance with such determination. A petition for judicial review shall not act as a supersedeas or stay unless the Commission shall so order.

Section 10. Section 341.490 of the Kentucky Revised Statutes is amended to read as follows:

Unemployment Insurance Fund, establishment and control. (1) There shall be a special fund known as the Unemployment Insurance Fund which shall be administered separate and apart from all public money or funds of this state. This fund shall consist of:

(a) All contributions and money collected under this chapter, except those imposed under KRS 341.290 and fines, penalties, and interest on delinquent contributions collected under KRS 341.300;

(b) Interest earned upon any money in the fund;

(c) Any property or securities acquired through the use of money belonging to the fund;

(d) All earnings of such property or securities;

(e) All money received from the Federal Unemployment Account in the Unemployment Trust Fund in accordance with Title XII of the Social Security Act as amended; and

(f) All money credited to the account of this state in the Unemployment Trust Fund in accordance with Title IX of the Social Security Act as amended.

(2) Subject to this chapter, the Commissioner may have full power, authority and jurisdiction over the fund, including all money and property or securities belonging thereto, and may perform any act necessary or convenient in the administration thereof consistent with this chapter.

Section 11. Section 341.510 of the Kentucky Revised Statutes is amended to read as follows:

Withdrawals from trust fund. (1) Except such money as has been credited to the account of this state in the Unemployment Trust Fund under the provisions of Title IX of the Social Security Act (68 Stat. 1052), and appropriate by legislative action authorized thereunder for administrative expenses, money shall be requisitioned from the state's account in the Unemployment Trust Fund solely for the payment of benefits and in accordance with regulations prescribed by the Commission. The Commissioner, through the State Treasurer acting as his fiscal agent, shall from time to time requisition from the Unemployment Trust Fund such amounts not exceeding the amounts standing to this state's accounts therein, as he considers necessary for the payment of benefits for a reasonable future period.

(2) Upon receipt thereof the treasurer shall deposit such money in the benefit account and shall issue his vouchers for the payment of benefits solely from such benefit account. Expenditures of such money in the benefit account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody. All vouchers issued by the treasurer for the payment of benefits and refunds shall bear the signature of the treasurer and the approval in writing of the Commissioner of Finance.

(3) Any balance of money requisitioned from the Unemployment Trust Fund that remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisi-

tioned shall either be deducted from estimates for, and may be utilized for the payment of benefits during succeeding periods, or, in the discretion of the Commissioner, shall be redeposited with the Secretary of the Federal Treasury to the credit of this state's account in the Unemployment Trust Fund, as provided in KRS 341.500.

Section 12. Section 341.560 of the Kentucky Revised Statutes is amended to read as follows:

Transfers to pooled account; suspension of reduced rates. (1) If, on January 1 or July 1 of any year, the amount in the pooled account is less than one and one-half times the amount of benefits paid from such account during the preceding calendar year, the Commissioner shall transfer from each employer's reserve account to the pooled account an amount equal to one-half of one percent of such employer's taxable payroll for the preceding calendar year; provided, that if after such transfers the pooled account balance is less than one and one-half times the charges to such account during the preceding calendar year there shall be transferred from each employer's reserve account such additional amounts, in proportion to the first transfer set out above, as are necessary to restore the balance in such pooled account to an amount equal to one and one-half times the amount charged to such account during such preceding calendar year.

(2) If, on the computation date of any year, the total amount in the fund is less than two times the amount of benefits paid from such fund during the twelve months last preceding such computation date, the provisions of paragraphs (a), (b) and (c) of subsection (3) of KRS 341.270 shall be suspended and for the next succeeding calendar year no subject employer's contribution rate shall be less than two and seven-tenths percent.

Section 13. A new section of Chapter 341 of the Kentucky Revised Statutes is created to read as follows:

A lien of the same nature and upon the same property and having the same force, effect and priorities as that created by KRS 376.010 and 376.140 in favor of persons performing labor is hereby created in favor of the Division to secure the payment of contributions and penalties accruing by reason of the labor performed by such persons. Notice of such lien shall be filed and such lien may be enforced in the same manner and within the same time after such contributions became due as it provided for filing and enforcing the liens created in KRS 376.010 and 376.140.

Section 14. A new section of Chapter 341 of the Kentucky Revised Statutes is created to read as follows:

Any state agency, board, division, or department of the Commonwealth, after affording the interested parties a proper hearing, shall revoke the charter, license, franchise, permit, or certificate of convenience issued by it to any employing unit upon complaint and the submission ot sufficient evidence by the Commissioner that such employing unit has refused or failed to file any report required or pay any contributions due under KRS Chapter 341.

Such hearings shall be conducted according to the procedures established by the granting authority, and, in the absence of established procedures, the head of the agency, board, division, or department shall conduct the hearing in a summary manner. Either party to the hearing shall have the right to appeal from the granting authority's order to the Franklin Circuit Court for review.

Prior to the filing of the complaint, the Commissioner shall notify the employing unit by certified mail at its last known address of his intention to file such complaint after ten days from the mailing date of said notice.

Section 15. A new section of Chapter 341 of the Kentucky Revised Statutes is created to read as follows:

(1) Any employing unit refusing to make reports required under this chapter within ten days after written notice sent by the Commissioner to the employing unit's last known address by certified mail, notifying him that this section of the act will be invoked unless the reports are filed, may be restrained or enjoined from operating in violation of the provisions of this chapter, upon complaint of the Commissioner filed in the Franklin Circuit Court or in any other court of competent jurisdiction, until such reports shall have been made.

(2) When the Division holds a judgment against an employer still actively engaged in business in Kentucky and liable for contributions under this chapter, and an execution on the judgment has been returned unsatisfied, then if the employer, within ten days after written notice sent by the Commissioner to the employer's last known address by certified mail notifying him that this section will be invoked unless such judgment is satisfied, refuses to pay contributions and penalties covered by the judgment on which the execution was issued, such employer may be restrained or enjoined from operating in violation of this chapter, upon complaint of the Commisisoner filed in the Franklin Circuit Court or in any other court of competent jurisdiction, until such contributions and penalties have been paid.

(3) The granting of an injunction under the provision of subsection (2) of this section shall be sufficient grounds for the appointment by the court, either upon its own motion or that of the Commissioner in the name of the Comomnwealth, of a receiver to take charge of such properties of such employer and to exercise such powers as in the judgment of the court shall be necessary in order to bring about compliance with such judgment and injunction. The power to appoint a receiver as herein provided shall be in addition to and cumulative of the power to punish for contempt.

(4) Proceedings under this section shall be in accordance with Kentucky Rules of Civil Procedure, except that no bond shall be required of the Commonwealth.

HB 375: AN ACT relating to elections on certain bond issues.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In all elections held to determine whether bonds should be issued and sold for public improvements of school buildings, to be liquidated from a fund established by a special levy of taxes on the property of the municipality, county or district involved, only owners of property of the type subject to the tax, and possessing all other qualifications required by law, shall be eligible to vote. In case of challenge of any voter, he may qualify by signing an affidavit, briefly describing the property owned and giving its location, and acknowledging the same before a judge of the election. Sufficient blank affidavits shall be provided with the ballots at such elections.

HB 394: AN ACT relating to state support of education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 157.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Physically handicapped children" means children of sound mind between the ages of three and twenty-one years who suffer from any disability making it impracticable or impossible for them to benefit from or participate in the normal classroom program of the public schools in the school district in which they reside and whose education requires a modification of the normal classroom program.

(2) "Educable mentally handicapped children" means children who are educable or trainable and between the ages of five and twenty-one years who because of retarded mental growth (as determined by recognized standardized tests) are incapable of being educated profitably and efficiently through ordinary classroom instruction but who may be expected to benefit from special educational facilities designed to make them economically useful and socially adjusted.

(3) "Special educational facilities" means special schools, special classes, and special instruction. All special educational facilities shall be under the supervision of the Superintendent of Public Instruction.

Section 2. Section 257.230 of the Kentucky Revised Statutes is amended to read as follows:

If parents of as many as twelve educable mentally handicapped children living in a school district desire special education classes for their children, school boards of any school district shall establish and maintain such classes, subject to any limitation specified in KRS 157.240 to 157.300.

HB 417: AN ACT relating to conduct of regular elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 118.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county board of election commissioners shall issue certificates of election where the successful candidate was voted for by a county or by a district less than one county. The board shall forward the certificate to the elected candidate, unless he has failed to comply with KRS 123.060, 123.070 or 123.080. If the board finds that two or more candidates have received the highest and equal number of votes for the same office, the board shall determine by lot which of the candidates is elected.

(2) In the case of offices voted for by the state at large or by a district greater than one county, and in the case of public questions submitted to the vote of the people of the state at large or of a district greater than one county, the county board of election commissioners shall make out duplicate certificates of the total number of votes received by each of the candidates for such offices, and the total number of votes for and against each of such public questions. One of the certificates shall be kept for a record in the office of the county clerk. The board shall, not later than fifteen days after the completion of the count of the votes, forward the other certificate by mail to the Secretary of State, who shall deliver it to the State Board of Election Commissioners.

(3) Each member of the county board of election commissioners shall be fined ten dollars per day for each and every day which certification of the vote is delayed beyond the fifteenth day following the completion of the count of such vote.

HB 425: AN ACT authorizing the fiscal courts of the respective counties of the Commonwealth of Kentucky to appropriate and donate county funds to non-profit corporations or associations for recreation or conservation purposes, and providing restrictions thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Fiscal Court of each county of the Commonwealth of Kentucky is hereby authorized to appropriate and donate funds of the respective county to non-profit corporations or associations organized and operating for recreation or conservation purposes; provided

(a) that said recreation or conservation project, or a part thereof, is located within the respective county;

(b) that the facilities of said recreation or conservation project are open to and for the benefit of the general public;

(c) that the operation and supervision of said conservation or recreation project is delegated to the department or agency of the

Commonwealth of Kentucky authorized by law to operate or supervise such project.

HB 430: AN ACT relating to the drilling of oil and gas wells and amending Section 353.040 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 353.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) No lessee shall drill any oil or gas well closer to the boundary line of a leasehold than three hundred ten feet unless he shall first obtain the written consent of all persons or firms that have any interest in the oil and gas royalty of the property adjoining the leasehold. Provided, however, that the provisions of this subsection shall not apply to any leasehold so small that the provisions of this subsection would prevent the drilling of any oil or gas wells thereon.

(2) When oil or gas is discovered in paying quantities on property adjoining a leasehold and the oil or gas from the adjoining property is being taken out of the ground and marketed from one or more wells located on such adjoining property within three hundred thirty feet of the boundary line of the leasehold, and the lessor gives the lessee written notice that oil or gas from such wells is being marketed, the lessee shall within three months after receipt of the notice, begin to drill an offset well to each such well. The offset well or wells shall be drilled substantially the same distance from the boundary line on the leasehold as the well or wells located on the adjoining property are locted from the boundary line. If the lessee fails to commence and complete the offset well or wells with diligence, the lease shall automatically expire and be void except as to ten acres in the form of a square surrounding each producing well located on the leasehold.

(3) The provisions of this section shall not apply to a lease that is being operated or on which a well is being drilled.

HB 431: AN ACT relating to the posting of a bond as a condition to the drilling of any oil or gas well and creating a new Section of the Kentucky Revised Statutes to be known as Section 353.045.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 353.045 of the Kentucky Revised Statutes is hereby created to read as follows:

After July 1, 1956, no well operator shall drill or commence to be drilled any well for the production of oil or gas without having first filed with the department a bond payable to the surface owner or owners, their heirs or assigns, with surety satisfactory to the department in the penal sum to be determined by the department of not less than one hundred fifty nor more than four hundred dollars for each oil or gas well proposed to be drilled. Such bond shall be conditioned upon the faithful performance that the well operator will within six months from the completion of the drilling of the well level and restore the surface of the lease to its original condition so far as is reasonably possible. In the event the well operator fails to carry out the conditions of the bond within six months from the completion of the well, the surface owner or owners, their heirs or assigns, shall be entitled to recover on the bond. In determining the amount of the bond within the above limitations, the department shall take into consideration the character of the land upon which the oil or gas well is proposed to be drilled and the cost that might be reasonably expected to be required to level and restore the surface to its original condition.

HB 434: AN ACT relating to emergency vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Upon an application by any person engaged in the radio, television or newspaper business, the Commissioner of Kentucky State Police may, in his discretion, issue such applicant a permit which shall designate the applicant's motor vehicle as an emergency vehicle. Such vehicle may be equipped with siren, red lights and such other equipment as is used to designate emergency vehicles.

HB 436: AN ACT relating to petit larceny.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.230 of the Kentucky Revised Statutes is amended to read as follows:

Except where a different penalty is prescribed by law with respect to specific kinds of property, any person guilty of the larceny of money or other property of less value than twenty dollars shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned for not less than one month nor more than twelve months, or both.

HB 445: AN ACT relating to uniform boat regulation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act unless the context requires otherwise:

(1) The term "person" means any individual, firm, corporation, co-partnership, company, association or joint-stock association including any trustee, administrator, executor, receiver, assignee or other person representative thereof.

(2) The term "boat" shall mean any vessel (such as rafts, canoes, skiffs, dinghies, rowboats, sailing vessels, or motorboats) less than 26 feet in overall length.

(3) The term "motorboat" shall mean any vessel propelled in whole or part by machinery, including vessels temporarily equipped with detachable motors, less than 26 feet in overall length.

Section 2. (1) Within 90 days after the passage of this Act, and each year thereafter prior to May 1, every person or firm or corporation who shall rent or offer to rent any boat, or furnish the same with leased or rented living accommodations for use upon any of the public waters of this state, shall first apply for a license so to do from the Department of Fish and Wild Life Resources upon forms furnished by them. No boat shall thereafter be rented or offered for rent until such license has been granted and the boat marked as hereinafter provided.

(2) The fee for such license shall be one dollar for each boat specified in subdivision (1) above.

(3) Department of Fish and Wild Life Resources is hereby empowered and it shall be their duty to prescribe methods of inspection to determine the weight capacity for each rental boat and to satisfy themselves that such boat is of a suitable structure for the services in which she is to be employed and is in a condition to warrant the belief that she may be used in navigation with safety to life. In order to authorize the maximum number of pounds of weight for a boat (except canoes and sailboats), the Department of Fish and Wild Life Resources shall have its cubic foot capacity accurately determined, divide this number by 12 and multiply the quotient by 150 pounds.

(4) It shall be the duty of the Department of Fish and Wild Life Resources to cause such boats to be inspected upon each application of license, and to see that all boats comply with the standards prescribed. Whenever, upon such inspection, it shall be found that any boat so inspected does not comply with such standards, it shall thereupon be the duty of the Department of Fish and Wild Life Resources to notify the owner, proprietor or agent in charge of any such boat, to comply with such standards and with the provision of this section prior to further use of such boat.

(5) With the license herein provided for there shall be issued a durable tag or disc for each boat showing the year of such inspection and such other matters as the Department of Fish and Wild Life Resources may deem necessary, which tag or disc must be affixed to some prominent place at the bow of the boat. There shall also be painted conspicuously on the after quarter the number of pounds of weight authorized to be carried therein, and no owner, his agent or lessor, shall knowingly permit more than that number of pounds of weight to occupy said boat at any time.

(6) Motorboats which carry passengers for hire shall be provided with one U. S. Coast Guard approved life jacket, ring buoy or buoyant

cushion for each passenger on board. All motorboats carrying passengers for hire shall be equipped with at least one U. S. Coast Guard approved hand portable fire extinguisher.

(7) All monies received under this Act shall be paid into the state treasury and shall be credited to the General Fund.

(8) On boats carrying pasengers for hire, the use of liquefied petroleum gases and certain inflammable liquids for cooking, heating or lighting is prohibited.

Section 3. All motorboats not otherwise specifically provided for shall carry a Coast Guard approved life preserver, ring buoy or buoyant cushion for each person on board.

Section 4. (1) Every motorboat under 26 feet shall carry the following lights from sunset to sunrise:

(a) A bright, white light aft to show all around the horizon visible for a distance of two miles or more.

(b) A combination light in the forepart of the boat lower than the white light aft, showing green to starboard and red to port so fixed as to throw a light from dead ahead to two points abaft the beam on their respective sides, and visible for a distance not less than one mile.

(2) Boats not propelled by machinery, when underway, shall carry on board from sunset to sunrise but not fixed to any part of the boat a lantern or flashlight capable of showing a white light visible all around the horizon at a distance of two miles or more and shall display such lantern in sufficient time to avoid collision with another boat.

(3) Sailboats (including those with outboard motors) under 26 feet in length, propelled by sail and machinery or by sails alone, shall carry a bright white light, preferably aft, to show all around the horizon. In addition, such boats when so propelled shall carry ready at hand a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision. Every white light prescribed by this section shall be visible for a distance of two miles or more. The word "visible" when applied to lights shall mean visible on a dark night with clear atmosphere.

(4) Sailboats with inboard engines are subject to the same light requirements as motorboats under 26 feet.

Section 5. It is unlawful to use a boat propelled in whole or in part by gas, gasoline or naptha unless the same is provided with a stock factory muffler, underwater exhaust or other modern devices capable of adequately muffling the sound of the exhaust of the engine. The phrase "adequate muffling" shall mean that the motor's exhaust at all times be so muffled or suppressed as not to create excessive or unusual noise. The discharge of cooling water through the exhaust of an inboard engine shall be considered an adequate muffling device.

Section 6. Motorboats which are less than 26 feet in length but greater than 16 feet in length shall be provided with a mouth, hand or power operated whistle capable of producing a blast of 2 seconds or more duration and audible for at least one-half mile.

Section 7. Carburetors on all engines of motorboats other than outboard motors, shall be fitted with a U. S. Coast Guard approved device for arresting backfire.

Section 8. All motorboats using fuel having a flashpoint of 110 degrees Fahrenheit or less shall have at least 2 ventilators fitted with cowls or their equivalent for the purpose of properly and efficiently ventilating the bilges of every engine and fuel compartment in order to remove any inflammable or explosive gases. Some motorboats so constructed as to have the greater portion of the bilges under the engines and fuel tanks open and exposed to the natural atmosphere at all times need not be required to be fitted with such ventilators.

Section 9. All motorboats shall have on board in good condition and fully charged one Coast Guard approved portable fire extinguisher.

Section 10. (1) Every operator of a motorboat shall at all times navigate the same in a careful and prudent manner and at such rate of speed as not to endanger the life, limb or property of any person.

(2) Reckless navigation of a motorboat shall include operating the same in a manner which unnecessarily interferes with the free and proper use of the navigable waters of the state or unnecessarily endangers other boats therein, or the life and limb of any person.

(3) No person shall operate any motorboat at a rate of speed greater than will permit him in the exercise of reasonable care to bring the motorboat to a stop within the assured clear distance ahead.

(4) Nothing in the provisions of this act should be construed to mean that the operator of a motorboat actually competing in a race or regatta which is sanctioned by an appropriate government shall not attempt to attain high speeds on a marked racing course.

Section 11. (1) When two boats are approaching each other "head on" or nearly so (so as to involve risk of collision), it shall be the duty of each boat to bear to the right and pass the other boat on its left side.

(2) When boats approach each other obliquely or at right angles, the boat approaching on the right side has the right of way.

(3) One boat may overtake another on either side but must grant right of way to the overtaken boat.

Section 12. (1) No person shall so anchor a boat for fishing or other purposes on any body of water over which the state has jurisdiction in such a position as to obstruct a passageway ordinarily used by other boats.

(2) No person shall operate a boat within a water area which is clearly marked by buoys or some other distinguishing device as a bathing or swimming area.

Section 13. No boat shall be loaded with passengers or cargo beyond its safe carrying capacity taking into consideration weather and other normal operating conditions.

Section 14. (1) No person operating a motorboat shall allow any person to ride or sit on either the starboard or port gunwales thereof or on the decking over the bow of the vessel while underway.

(2) Nothing in this section shall be construed to mean that passengers or other persons aboard a boat cannot stand on the decking over the bow of the boat to moor the boat to a mooring buoy or to cast off from such a buoy, or for any other necessary purpose.

Section 15. Any person mooring any boat to any of the buoys or beacons placed in any waterways by the authority of the United States or by the authority of a commission or subdivision thereof, or in any manner hanging on with a boat to such a buoy or beacon shall be guilty of a misdemeanor.

Section 16. It shall be unlawful for any person who is under the influence of intoxicating liquor or narcotic drugs or barbital or any person who is a habitual user of same to operate, propel or be in actual physical control of any boat. It shall be unlawful for the owner of any boat or any person having such in charge or in control to authorize or knowingly permit the same to be propelled or operated by any person who is under the influence of intoxicating liquor, narcotic drugs or barbital or any person who is a habitual user of same.

Section 17. The operator of any boat involved in an accident resulting in injury or death to any person or in damage to property shall immediately stop such boat at the scene of such accident and shall give his name, address, full identification of his boat and the name and address of the owner, to the person struck or the operator or occupants of the boat collided with, and shall render to any person injured in such an accident reasonable assistance and shall report such accident to the nearest or most convenient law enforcement agency or office.

Section 18. The provisions of this Act shall be applicable to all boats as herein defined, navigating the waters within the jurisdiction of this state, except where inconsistent with any laws or regulations of any higher governing authority, in which case such laws or regulations shall prevail.

Section 19. (1) Any person who shall violate Section 10 of this Act shall be deemed guilty of a misdemeanor and on conviction thereof by any court of competent jurisdiction shall be punished by a fine not exceeding $2,000 or by imprisonment for a term of not exceeding one year or by both such fine and imprisonment.

(2) Any person violating Section 2 of this Act shall be liable to a fine not exceeding $200.

(3) Any person violating any section of this Act other than the two aforesaid shall be liable to a fine not exceeding $100.

HB 456: AN ACT relating to plumbing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is hereby declared to be the policy of this Commonwealth and the purpose of this Act to protect and preserve the health and welfare of the citizens of the Commonwealth by providing effective means in the public interest for the regulation and inspection of the construction, installation and alteration of plumbing and plumbing system and for the examination and registration of plumbers to the end that plumbing and plumbing systems shall be constructed, installed or altered in a safe and sanitary manner by qualified persons, thereby preventing the creation and growth of public health hazards, the spread of disease and the contamination of public and private water supplies resulting from defective plumbing and sanitation systems serving public and private buildings. This Act shall be liberally construed to carry out these objects and purposes in accordance with this declaration of policy.

Section 2. As used in this Act, unless the context requires otherwise:

(1) "Commission" means the State Plumbing Commission;

(2) "Department" means the State Department of Health;

(3) As the context requires, "Plumbing", whether used as a noun or an adjective, means, includes and refers to any one or more of the following:

(a) the materials, including pipe, fittings, valves, fixtures and appliances, attached to and forming a part of a plumbing system;

(b) that part of a water supply, sewerage and drainage system extending from either the public water supply mains or private water supply to either the public sanitary, storm or combined sanitary and storm sewers or a private sewage disposal plant such as a septic tank;

(c) both or either performing or contracting for the design, planning, construction, installation, alteration, maintenance, repair, remodeling or removal and replacement of all or any part of the materials attached to and forming a part of a plumbing system;

(4) "Master Plumber" means a person who assumes responsible charge, supervision or direction of journeyman plumbers, plumber's apprentices and other persons in the construction, installation or alteration of plumbing or who engages in, offers to engage in or advertises

or otherwise represents that he is permitted or qualified to engage in the design, planning, superintending, contracting for or responsible charge of plumbing;

(5) "Journeyman Plumber" means a person who engages or offers to engage, either as an occupation or otherwise, in the construction, installation, alteration, maintenance, repair, remodeling or removal and replacement of plumbing under the supervision, direction and responsibility of a master plumber;

(6) "Registered master plumber" means a master plumber holding a certificate of registration issued as provided in this Act, authorizing him to act as a master plumber;

(7) "Registered journeyman plumber" means a journeyman plumber holding a certificate of registration issued as provided in this Act, authorizing him to act as a journeyman plumber;

(8) Each of the terms "construct, install or alter", "constructed, installed or altered", "constructing, installing or altering", and "construction, installation or alteration" refers to and shall mean "plumbing" as defined in sub-section (3)(c) of this Section.

Section 3.

(1) For the purpose of carrying out the provisions of this Act, there is hereby created in the State Department of Health a State Plumbing Commission.

(2) The Commission shall consist of nine members, one of whom shall always be the Director of the Division of Public Health Engineering of the Department and one of whom shall always be another officer or employee of the Department engaged in public health engineering or sanitation work. The latter member shall be designated by the State Board of eHalth. The other members of the Commission shall include one mechanical engineer, three registered master plumbers and three registered journeyman plumbers, except that the master plumbers and journeyman plumbers first appointed as members of the Commission need not be registered as such but must be qualified persons experienced in their respective trades and must thereafter, to hold their positions, obtain the appropriate certificates of registration from the Commission. No member of the Commission shall pass on his own qualifications.

(3) The mechanical engineer, master plumbers and journeyman plumbers first appointed as members of the Commission shall be appointed by the Governor from a list of nominees submitted to him by the State Board of Health. Thereafter all such members shall be appointed by the Governor from a list of nominees submitted to him by the Commission which, by ballot, questionnaire or similar means, may take the sense of all registered master plumbers and registered journeyman plumbers as to the nominees to be so submitted. All lists of nominees submitted to the Governor shall contain not less than two qualified nominees for each vacancy to be filled.

(4) Of the members first appointed to the Commission, which appointments shall be made to take effect on July 1, 1956, one master plumber and one journeyman plumber shall serve for two years, one master plumber and one journeyman plumber shall serve for three years, and one master plumber, one journeyman plumber and the mechanical engineer shall serve for four years. At the expiration of the term of any appointed member, the Governor shall appoint a successor for a term of four years. Any vacancy among the appointed members shall be filled for the unexpired portion of the term in the same manner as provided herein for the appointment of members for a full term. Appointed members shall serve until their successors are appointed and have qualified.

(5) All members of the Commission shall serve without compensation other than reimbursement for actual and necessary expenses incurred in the performance of their duties.

(6) The Commission shall meet four times annually in the city in which is located the principal office of the Department. The time and place of such meetings shall be fixed in the rules and regulations of the Commission. The Commission may meet at such other times and in such other places as it may deem necessary. A majority of the members of the Commission shall constitute a quorum for the transaction of business. No member of the Commission shall be permitted to vote by proxy on any matter brought before the Commission.

(7) Each year at a regular meeting to be held in the month of July, the Commission shall elect from its members a chairman and a vice-chairman to serve for a term of one year. The Commission may employ an executive director and such technical, legal and other personnel as may be required in order to carry out the provisions of this Act and the policies, rules and regulations of the Commission, and may define their powers and duties and fix their compensation.

(8) Technical, scientific, clerical or other services required by the Commission shall be furnished insofar as practicable by the Department. The merit system and retirement rights of any officer or employee of the Department serving as a member of the Commission shall not be affected by such service.

Section 4. The Commission shall have and be entitled to exercise the following authority, powers and duties:

(1) The exercise general supervision of the administration and enforcement of this Act, the Kentucky State Plumbing Code and the rules and regulations of the Commission;

(2) To promulgate and adopt such reasonable rules and regulations and do any and all things consistent with this Act which it may deem necessary or proper for the full and efficient performance of its duties hereunder;

(3) To administer, carry out and enforce the provisions of this Act relating to the issuance, renewal, suspension and revocation of

certificates of registration of master plumbers and journeyman plumbers;

(4) To cause all rules and regulations of the Commission the schedule of permit and inspection fees and charges and the Kentucky State Plumbing Code to be filed with the Legislative Research Commission pursuant to Section 7.150 and Chapter 13 of the Kentucky Revised Statutes;

(5) To make an annual report of its proceedings to the Governor on or about January 1 of each year, including an accounting of all moneys received and disbursed; and

(6) Such other authority, powers and duties as may be provided for in this Act.

Section 5. During the period between the effective date of this Act and January 1, 1957, no person shall engage in or work at the trade of plumbing in any county containing a city of the first or second class (1) as a master plumber unless he was duly licensed as such by the State Board of Health prior to and on the effective date of this Act or is the holder in good standing of a master plumber's certificate of registration duly issued by the Commission in accordance with the provisions of this Act, or (2) as a journeyman plumber unless he was duly licensed as such by the State Board of Health prior to and on the effective date of this Act or is the holder in good standing of a journeyman plumber's certificate of registration duly issued by the Commission in accordance with the provisions of this Act; provided, however, that nothing contained in this section shall be construed to prohibit a person, firm or corporation from engaging in the plumbing business in such counties during said period if some person associated with such person, firm or corporation and in responsible charge of the plumbing work therefor is a master plumber authorized by this section to engage in or work at the trade of plumbing as a master plumber in such counties during said period, and each person employed by such person, firm or corporation performing any work or service as a journeyman plumber is authorized by this section to engage in or work at the trade of plumbing as a journeyman plumber in such counties during the said period.

Section 6. On and after January 1, 1957:

(1) No person shall engage in plumbing work, or engage in or work at the trade of plumbing in this State (a) as a master plumber unless he is the holder in good standing of a master plumber's certificate of registration duly issued by the Commission in accordance with the provisions of this Act, or (b) as a journeyman plumber unless he is the holder in good standing of a journeyman plumber's certificate of registration duly issued by the Commission in accordance with the provisions of this Act; provided, however, that this Act shall not be so construed as to prohibit an individual, firm or corporation from engaging in the plumbing business in this State if some person

associated with such individual, firm or corporation and in responsible charge of the plumbing work therefor is a registered master plumber and each person employed by such individual, firm or corporation performing any work or service as a journeyman plumber is a registered journeyman plumber;

(2) No master plumber in this State shall employ any person not registered under this Act to construct, install or alter plumbing.

Section 7. A registered master plumber in responsible charge of plumbing work for an individual, firm or corporation engaged in the plumbing business in this State shall notify the Commission forthwith of the commencement or severance of his association with such individual, firm or corporation.

Section 8.

(1) Nothing contained in this Act shall be construed as prohibiting the employment of apprentices to assist registered master or journeyman plumbers in their duties.

(2) This Act shall not apply to anyone who is employed or acting as a maintenance man and who does not practice the occupation of journeyman plumber as his principal trade or business.

Section 9. A certificate of registration as a master plumber or journeyman plumber shall be issued by the Commission only to those who qualify therefor under the provisions of Section 10 of this Act or to an applicant therefor who pays the applicable examination fee provided for in Section 14 of this Act and submits evidence satisfactory to the Commission that:

(1) he is at least twenty-one years of age, and

(2) he has satisfactorily passed the examination provided for in Section 11 of this Act.

Section 10.

(1) Except as otherwise provided in Section 16 of this Act, a certificate of registration as a master plumber shall be issued by the Commission without examination to an applicant therefor who pays the applicable registration fee provided for in Section 14 of this Act and who submits evidence satisfactory to the Commission that he has been actively engaged in the business of plumbing as a master plumber for not less than five years prior to the effective date of this Act or was duly licensed as a master plumber by the State Board of Health prior to and on the effective date of this Act.

(2) Except as otherwise provided in Section 16 of this Act, a certificate of registration as a journeyman plumber shall be issued by the Commission without examination to an applicant therefor who pays the applicable registration fee provided for in Section 14 of this Act and who submits evidence satisfactory to the Commission that he has been actively engaged in the business of plumbing as a journeyman plumber for not less than five years prior to the effective

date of this Act or was duly licensed as a journeyman plumber by the State Board of Health prior to and on the effective date of this Act.

Section 11.

(1) Examinations for certificates of registration as master plumber or journeyman plumber shall be conducted at such times and places as may be fixed by the Commission. Applicants for an examination shall furnish such information as may be required by the Commission and shall receive from the Commission due notice of the time and place of the examination.

(2) The Commission shall prepare, or cause to be prepared under its supervision, examinations consisting of written and practical tests with such questions and tests as, in the discretion of the Commission, will determine (a) with respect to master plumber's certificate applicants, that such applicants are qualified, in view of the definitions, provisions and purposes of this Act to carry on responsibly, reasonably and competently the activities which a registered master plumber is authorized to engage in by this Act, and (b) with respect to journeyman plumber's certificate applicants, their knowledge and competency to carry on the activities which a registered journeyman plumber is authorized to engage in by this Act. The results of such examinations shall be studied by, or under the supervision of, the Commission with respect to each applicant and, except as otherwise provided in Section 16 of this Act, the appropriate certificate of registration shall be issued to those applicants who the Commission determines, in the exercise of its discretion, have demonstrated adequate technical skill, knowledge, responsibility and competency to carry on, with due regard for public health and the purposes of this Act, the activities authorized by the type of certificate of registration for which the respective aplicants have applied.

(3) The subjects of the examinations, together with the required passing grade shall be set forth in the rues and regulations of the Commission. Applicants failing an examination may apply for reexamination upon payment of the applicable examination fee.

Section 12. The Commission shall keep an accurate record of (1) the names, addresses and places of business of all registered master plumbers and all registered journeyman plumbers and (2) the names, addresses and places of business of all individuals, firms and corporations engaged in the plumbing business in this State.

Section 13. All certificates of registration and renewals thereof issued under the provisions of this Act shall expire on June 30 next following their issuance. Except as otherwise provided in Section 16 of this Act, such certificates, unless suspended or revoked by the Commission, shall be renewed annually upon payment of the applicable renewal fee provided for in Section 14 of this Act. Not later than June 1 of each year the Commission shall notify by mail all registered master plumbers and registered journeyman plumbers of such expiration date.

Section 14.

(1) The following registration fees shall be paid to the Commission:

(a) By an applicant for an examination for a certificate of registration as a master plumber, Fifty dollars;

(b) By an applicant for a certificate of registration as a master plumber, Fifty dollars;

(c) By an applicant for an annual renewal of a certificate of registration as a master plumber, Twenty-five dollars;

(d) By an applicant for an examination for a certificate of registration as a journeyman plumber, Ten dollars;

(e) By an applicant for a certificate of registration as a journeyman plumber, Ten dollars;

(f) By an applicant for an annual renewal of a certificate of registration as a journeyman plumber, Five dollars.

(2) All such fees shall be paid at the time the application is filed.

Section 15. No person shall hold himself out to the public as a registered master plumber or a registered journeyman plumber unless he is the holder of a certificate of registration as such duly issued by the Commission in accordance with the provisions of this Act.

Section 16. The Commission may refuse to issue or renew a certificate of registration, or may suspend for a period not exceeding one year or revoke a certificate of registration, upon proof that the applicant therefor or holder thereof:

(1) knowingly violated the provisions of this Act, the Kentucky State Plumbing Code, or the rules and regulations of the Commission;

(2) practiced fraud or deception in applying for or obtaining a certificate of registration;

(3) is incompetent to perform services as a registered master plumber or registered journeyman plumber;

(4) except as otherwise provided in Section 5 and 6 of this Act, permitted his certificate of registration to be used directly or indirectly by another to obtain or perform plumbing work or services; or

(5) is guilty of such other unprofessional or dishonorable conduct of a character likely to deceive or defraud the public.

Section 17.

(1) No certificate of registration shall be suspended or revoked by the Commission, nor shall a refusal of the Commission to renew a certificate of registration be effective, unless a hearing has been conducted at which the holder of the certificate shall have the right to be present in person and by counsel and to present evidence and be heard in his own behalf. The holder of the certificate shall be given written notice of the hearing at least thirty days prior to the

date thereof. The notice shall state the time and place of the hearing and set forth the ground or grounds for the suspension, revocation or refusal to renew in sufficient detail to apprise the holder of the certificate of the charges preferred against him. Proceedings at such hearings shall be in accordance with the rules and regulations of the Commission.

(2) The Commission shall appoint and provide for the compensation of a hearing officer to conduct such hearings. The hearing officer shall have authority to issue subpoenas for the attendance of witnesses and the production of papers and records, administer oaths, schedule hearings and otherwise act in the name and on behalf of the Commission, but shall not have authority to suspend, revoke or renew certificates of registration. He shall cause to be prepared and shall certify to the Commission a complete written transcript of the record of each hearing, including all pleas, motions and other papers relating thereto, for consideration and decision by the Commission. An order of the Commission suspending, revoking or refusing to renew a certificate of registration shall be effective thirty days after notice of the entry of such order is given the holder thereof. Any certificate of registration which the Commission has refused to renew shall continue in full force and effect until the effective date of the order refusing to renew.

(3) Each notice required by this section to be given a holder of a certificate of registration shall be served by forwarding same by registered mail, postage prepaid, to the holder at his address as it appears in the records of the Commission.

(4) A person aggrieved by an order of the Commission suspending, revoking or refusing to renew his certificate of registration may, within thirty days after notice of such suspension, revocation or refusal to renew, appeal therefrom to the Circuit Court of the County in which the principal office of the Commission is located by filing a statement of appeal therein together with an appeal bond with good and sufficient surety to secure the payment of any costs charged against him on the appeal. The appellant, before filing said Statement of Appeal, shall serve a written notice of appeal on the chairman or executive director of the Commission. Within thirty days after the appeal is filed the chairman or executive director shall file with the Court a certified copy of the transcript of the hearing before hearing officer and the order of the suspension, revocation or refusal to renew entered by the Commission. The cost of preparing and certifying the record shall be paid to the Commission by the appellant and taxed as costs in the action to be paid as directed by the Court upon final determination of the action. The Commission may file an answer and such other pleadings or motions as it considers appropriate. The Court, pending final adjudication of the matter and for good cause shown, may enter an order staying the order of the Commission suspending or revoking a certificate of registration, or in the case of a refusal to renew, may enter

an order extending the effective period of the certificate of registration. The appeal shall be determined by the Court upon the record certified and filed as herein provided, and no new or additional evidence shall be heard or considered by the Court unless it appears to the Court from said record or from other evidence presented for such purpose that the appellant was denied the opportunity of a fair hearing by the Commission or that there has been fraud or misconduct on the part of some person engaged in the administration of this Act and affecting the order appealed from. The Court shall enter judgment sustaining or setting aside the order of the Commission but before setting aside the order, shall, upon request of the Commission, remand the matter to the Commission for further proceedings.

(5) Either party aggrieved by a final order entered by the Circuit Court may appeal to the Court of Appeals as in a civil action.

Section 18. No person whose certificate of registration has been revoked shall be issued a new certificate of registration, either as a master plumber or journeyman plumber, within five years from the date of such revocation.

Section 19.

(1) Within ninety days after the effective date of this Act, the Commission shall adopt, and thereafter from time to time may amend, a code, to be known as the Kentucky State Plumbing Code, regulating the construction, installation or alteration of plumbing and the methods and materials to be used therein within this State, using as a minimum standard therefor the basic principles adopted by the Sub-Committee on Plumbing of the Building Code Committee of the United States Department of Commerce, as evidenced by that Committee's final report of 1951, with such variations thereof or additions thereto as the Commission considers is warranted by local, climatic or other conditions.

(2) Any plumbing code duly promulgated by the State Board of Health and in effect on the effective date of this Act shall remain in full force and effect in the counties subject thereto until the effective date of the Kentucky State Plumbing Code adopted under the provisions of this Act, and all construction, installation or alteration of plumbing in such counties between such dates shall be performed in strict compliance therewith.

Section 20.

(1) On and after the effective date of the Kentucky State Plumbing Code adopted by the Commission in accordance with Section 19 of this Act, no person, firm or corporation shall:

(a) construct, install or alter, or cause to be constructed, installed or altered, any plumbing in this State unless such construction, installation or alteration is to be performed in strict compliance with the Kentucky State Plumbing Code and any applicable city plumbing code;

(b) construct, install or alter, or cause to be constructed, installed or altered, any plumbing in this State until a permit therefor has been obtained from the duly designated authority under the provisions of this Act and the rules and regulations of the Commission;

(c) use or continue to use, or permit the use or continued use of, any plumbing constructed, installed or altered under a permit issued therefor where the Commission or the Department, through a duly authorized inspector, employee or agent, or a duly authorized city plumbing inspector, finds that the plumbing was not constructed, installed or altered in accordance with such permit, and so notifies the holder of the permit and the owner or occupant of the premises.

(2) Nothing contained in this Act shall be construed as prohibiting any person from obtaining a permit for and constructing, installing or altering plumbing in and for any dwelling owned and occupied by such person solely for residence purposes if such construction, installation or alteration is performed in strict compliance with any applicable city plumbing code and with the Kentucky State Plumbing Code and the rules and regulations of the Commission relating thereto.

Section 21. No permit for the construction, installation or alteration of plumbing shall be issued by the Division of Public Health Engineering of the Department unless such construction, installation or alteration is to be performed and completed in strict compliance with the Kentucky State Plumbing Code and the rules and regulations of the Commission relating thereto.

Section 22.

(1) The Commission shall promulgate and adopt reasonable rules and regulations setting forth the procedure to be followed in applying for permits to construct, install or alter plumbing and the information to be submitted with such applications. The Commission may fix a reasonable schedule of fees and charges to be paid for such permits and the necessary inspections incident thereto. The Commission may also adopt such other reasonable rules and regulations which it may deem necessary or proper for the full and efficient performance of its duties and those of the Department hereunder.

(2) Fees and charges hereunder shall be fixed by the Commission at such amounts as, together with the registration fees provided for in Section 14 of this Act, will cover the expenses of the Commission and the Department in the administration and enforcement of this Act.

(3) All registration fees, permit and inspection fees and charges and other moneys collected by the Commission and the Department under the provisions of this Act and the rules and regulations of the Commission adopted hereunder, shall be paid into the State Treasury and credited to a trust and agency fund to be used by the Commission and the Department in defraying the costs and expenses of the Commission and the Department in the administration of this Act. No

part of this fund shall revert to the general fund of the Commonwealth. All moneys held in a trust and agency fund or other fund to the credit of the Department for the administration and enforcement of Chapter 318 of the Kentucky Revised Statutes on the effective date of this Act are hereby transferred to the trust and agency fund hereinabove created.

Section 23.

(1) The Division of Public Health Engineering of the Department, subject to the general supervision of the Commission, shall:

(a) administer, carry out and enforce the provisions of Sections 20 and 21 of this Act, the Kentucky State Plumbing Code and the rules and regulations adopted by the Commission under authority of Section 22 of this Act;

(b) except as otherwise provided in Section 24 of this Act, issue the permits for and make the necessary inspections of the construction, installation or alteration of plumbing;

(c) assist the Commission generally in the performance of its duties under this Act, and, more particularly, in the enforcement of the provisions of this Act relating to the registration and regulation of persons authorized to engage in plumbing work;

(d) have such other authority, powers and duties as are provided in this Act.

(2) The Commissioner of Health of the Department shall appoint such state, county and regional plumbing inspectors, investigators and other assistants and employees as may be necessary for the proper and efficient performance of the duties of the Department and its Division of Public Health Engineering under this Act.

(3) All officers, agents or employees of the Department or the Commission engaged in the administration and enforcement of this Act and all plumbing inspectors are empowered and authorized to enter upon any premises within their jurisdictions at any reasonable time for the purpose of making investigations or inspections, and to seize and confiscate all evidence of violations of this Act, any applicable plumbing code or the rules and regulations of the Commission relating thereto.

(4) No person shall be eligible for appointment as a state, county or regional plumbing inspector unless he is a registered master plumber or registered journeyman plumber.

Section 24.

(1) Any city may by ordinance enact a plumbing code, not less stringent in its provisions than the Kentucky State Plumbing Code, regulating the construction, installation or alteration of plumbing within such city, providing for the issuance of permits therefor, and fixing permit and inspection fees. In such cases both the Kentucky State Plumbing Code and the city plumbing code shall apply to the construction, installation or alteration of plumbing within such city.

The Commission may authorize any such city to administer, carry out and enforce the Kentucky State Plumbing Code and the rules and regulations of the Commission relating thereto and to issue permits and make inspections thereunder within such city, in which event a permit issued under the provisions of the city plumbing code ordinance shall be deemed a permit issued by the Division of Public Health Engineering of the Department under Section 23 of this Act; provided, however, that state, regional and county plumbing inspectors employed by the Division of Public Health Engineering of the Department shall have concurrent jurisdiction with city plumbing inspectors in the enforcement in such cities of the Kentucky State Plumbing Code and the rules and regulations of the Commission relating thereto.

(2) Any city enacting a plumbing code ordinance may appoint and fix the compensation of city plumbing inspectors. No person shall be eligible for appointment as a city plumbing inspector unless he is a registered master plumber or registered journeyman plumber.

(3) Nothing contained in this Act shall be construed as prohibiting a city from collecting occupational license fees from persons, firms or corporations engaged in the plumbing business.

Section 25.

(1) The Commission is hereby authorized to institute and maintain actions to restrain and enjoin any violation of this Act, the Kentucky State Plumbing Code or the rules and regulations of the Commission. Such authority shall be in addition to the power granted the Commission under this Act to suspend or revoke and to refuse to issue or renew certificates of registration.

(2) The Director of the Division of Public Health Engineering of the Department, state, county and regional plumbing inspectors appointed by the Commissioner of Health, and plumbing inspectors employed by cities which the Commission has authorized to administer, carry out and enforce the Kentucky State Plumbing Code and the rules and regulations of the Commission relating thereto, are hereby authorized to institute and maintain actions in the name of the Commission or the Department to restrain and enjoin and violation of this Act, the Kentucky State Plumbing Code or the rules and regulations of the Commission relating thereto, and to compel the correction and removal of sanitary nuisances resulting from improper or defective construction, installation or alteration of plumbing made in violation thereof.

(3) County and city attorneys and the Attorney General shall, within their respective jurisdictions, represent the Commission, the Director of the Division of Public Health Engineering of the Department and the aforementioned plumbing inspectors in all actions brought under authority of sub-sections (1) and (2) of this section. Any attorney employed by the Commission or the Department may represent or assist in representing any such party in such actions.

(4) County, city and Commonwealth's attorneys and the Attorney General shall, within their respective jurisdictions, prosecute all violations of the penal provisions of this Act.

Section 27. Any person who violates any provisions of this Act shall be fined not less than ten dollars nor more than one hundred dollars, or imprisonment for not more than ninety days, or both, for each offense. Each day a violation of this Act continues shall constitute a separate offense.

Section 28. Sections 318.010, 318.020, 318. 030, 318.040, 318.050, 318.060, 318.070, 318.080, 318.090, 318.100, 318.110, 318.120, 318.130, 318.140, 318.150 and 318.990 of the Kentucky Revised Statutes are repealed.

HB 458: AN ACT relating to Unemployment Insurance.

Be it enacted by the General Assembly of the Commonwealth of of Kentucky:

Section 1. If this state or any department, division, administrative unit, political subdivision, county or municipality thereof elects to become a subject employer under the Kentucky Unemployment Insurance Law, as provided by KRS 341.250, authorization is hereby granted to this state, or any department, division, administrative unit, political subdivision, county or municipality thereof, to pay contributions as provided by the Unemployment Insurance Act from monies not otherwise required by law or contract to be expended for other purposes.

Section 2. Contributions paid under the Unemployment Insurance Law by this state, or any department, division, administrative unit, political subdivision, county or municipality thereof, shall be deemed for a public purpose.

HB 459: AN ACT relating to game and fish and exceptions to license prohibitions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 150.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (2), (3), (4), (5), (6) and (7) of this section and subject to regulations adopted under this chapter, no person shall do any act authorized by any kind of license or permit provided for in this chapter with respect to game and fish unless he holds the kind of license or permit that authorizes such act. It is the specific purpose of this chapter to prohibit the taking or pursuing of any wild life or wild animals, protected or unprotected, or the angling in any stream or body of water, whether public or private, without first procuring the license provided for herein, except to such extent as may be otherwise provided in this section.

(2) A person under sixteen years of age may, without a trapping license, take wild animals by trapping and, without a fishing license, take fish by angling, or take minnows by the use of a minnow seine.

(3) Resident landowners, and resident children and lessees on their lands may, without a fishing license, take fish from the waters thereon by angling, such angling, in the case of public waters, to be from the bank only, and such persons may, without a hunting license, take wild animals and wild birds therefrom (except by trapping), subject to the further provisions of this chapter.

(4) Residents or nonresidents attending and participating in any annual state or national field trial may so attend and participate without obtaining a hunting license.

(5) Any resident of this state who is sixty-five years of age or older may, without a hunting or fishing license, do any act authorized by such a license, but while so doing he must carry upon his person an affidavit stating the year and place of his birth.

(6) Any veteran who is a mental patient in any hospital facility of the United States Veterans Administration or other agency of the United States government which is located in this state may, without a fishing license, do any act authorized by a state-wide fishing license under subsection (1) of KRS 150.175, but while doing so he must carry upon his person a statement by the responsible medical officer of the United States Veterans Administration or other agency of the United States government stating that he is a patient residing therein, that he is a veteran, and that his mental condition is such that he is capable of understanding and obeying the limitations imposed by law and the regulations prescribed by the Department of Conservation.

(7) The provisions of this chapter for the protection of wild animals shall not apply to any resident landowner of this state who kills on his land any wild animal that is causing damage to such land or to any personal property situated thereon.

(8) In the event a reciprocal agreement is entered into between the Commissioner of the Department of Fish and Wilf Life Resources of this state, with the approval of the commission, and the similar authority, of the state of Tennessee, pursuant to which persons holding a fishing license (resident or nonresident) or a state-wide hunting license (resident or nonresident) issued in this state are permitted to perform the acts authorized by such license upon so must of the waters of any lake, extending across the boundary between Kentucky and Tennessee, as lies within the State of Tennessee, then any person holding a similar fishing license or hunting license issued in the State of Tennessee may, during the duration of such agreement, perform the acts authorized by such license upon so much of the waters of such lake as lies within this state, without having obtained a license therefor in this state.

HB 463: AN ACT creating a retirement system for state employees, other than teachers and those otherwise specifically excluded,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definitions

As used in this Act, unless the context otherwise requires:

(1) "System" means the Kentucky Employees Retirement System created by this Act;

(2) "Board" means the Board of Trustees of the system as provided in section 28 of this Act;

(3) "Department" means any state department, board or agency participating in the system in accordance with appropriate Executive order, as provided in section 3 of this Act;

(4) "Examiner" means the medical examiner or examiners as provided in section 32 of this Act;

(5) "Employee" means every person regularly employed in rendering service to and for a department and whose compensation is payable in whole or in part by such department, and shall include all full time regular employees of the board. In case of any doubt the board shall determine if a person is an employee within the meaning of this Act;

(6) "Employer" means a department or any authority of such department having the power to appoint an employee to office or employment in such department;

(7) "State" means the Commonwealth of Kentucky;

(8) "Member" means any employee who is included in the membership of the system;

(9) "Service" means the total of current service and prior service as defined herein;

(10) "Current service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, on and after July 1, 1956, for which compensation is paid by the employer during which employment the employee is a member of the system, except as otherwise provided in section 23 of this Act;

(11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, prior to July 1, 1956, for which compensation was paid by the employer; provided, however, that no credit will be given for service prior to the date on which the employee's membership would have ceased, in accordance with the provisions of section 6, if the system had been in existence when the employee was first employed; provided, however, that in such determination the requirement with respect to the member's not withdrawing his contributions shall not be applicable;

(12) "Beneficiary" means any person entitled to receive benefits under this Act;

(13) "Accumulated contributions" at any time means the sum of all amounts deducated from the compensation of a member and credited to his individual account in the members' contribution account, together with interest credited on such amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(14) "Creditable compensation" means the compensation to an employee (arising from funds disbursed by the State Treasurer) working the full working time for his position. In cases where compensation includes maintenance and other perquisites, the board shall fix the value of that part of the compensation not paid in money;

(15) "Final compensation" means the arithmetic average of the annual creditable compensation of a member during the five consecutive years of service immediately prior to the member's retirement except that in determining final compensation for delayed retirement, such average shall not be less than that determined on the assumption that the member retired on his normal retirement date;

(16) "Retirement allowance" means the retirement payments to which a member is entitled;

(17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such actuarial tables as are from time to time adopted by the board;

(18) "Normal retirement date" means the sixty-fifth birthday of a member or the date on which the member completes ten years of service, whichever occurs later, except that in no case will a member's normal retirement date be later than his seventy-fifth birthday. The normal retirement date for any member who has passed his seventy-fifth birthday on the date he becomes a member shall be the date he becomes a member, except as otherwise provided in section 17 of this Act. Notwithstanding anything to the contrary contained in this subsection (18), the normal retirement date of a member shall not be earlier than July 1, 1957;

(19) "Fiscal year" of the system means the twelve months from July 1 through the following June 30.

Section 2. Retirement System Established

There is hereby created and established:

(1) A retirement system for employees to be known as the "Kentucky Employees Retirement System" by and in which name it shall, pursuant to the provisions of this Act, transact all of its business and shall have the powers and privileges of a corporation; and

(2) A state fund, called the "Kentucky Employees Retirement Fund", which shall consist of all the assets of the system as set forth in sections 13 to 16.

Section 3. Effective Date

(1) Each department will participate in the system when the Governor by appropriate executive order, the authority to issue such

executive order being hereby granted, permits such department to participate in the system. The effective date of such participation shall be the July 1 coinciding with or next following the signing of such executive order.

(2) Once a department participates it shall thereafter continue to participate.

Section 4. Persons Composing Membership

Membership in the system shall consist of the following:

(1) All persons who become employees of a participating department after the date such department first participates in the system; and

(2) All persons who are employees of a department on the date the department first participates in the system, either in service or on authorized leave from service, and who elect prior to the October 1 next following such department's participation, or in the case of persons on authorized leave, within 90 days of their return to active service, to become members and thereby agree to make contributions as provided in this Act;

Section 5. Penalties Resulting from Not Electing to Become a Member

Any person who is an employee on the date his department first participates in the system, either in service or on leave from service, who does not elect within the time set forth in section 4 to become a member and thereby make contributions required of him by this Act, shall forfeit all rights for credit for service with any department prior to the date he might subsequently elect to become a member, notwithstanding anything contained in this Act to the contrary. Prior to the last day of the period during which he may elect to become a member, each such person shall be notified of the penalty resulting from his failure to elect to become a member.

Section 6. Conditions of Cessation of Membership

The membership of any person in the system shall cease:

(1) Upon withdrawal of his accumulated contributions at or any time after termination of employment, regardless of length of service;

(2) Upon termination of employment for any reason, other than involuntary termination of employment by the employer without prejudice after ten years of service but before the completion of twenty years of service with such department, unless at such termination of employment the member has had at least twenty years of service;

(3) Upon involuntary termination of employment by the employer without prejudice if the person has less than twenty years of service, unless at such termination of employment the member has had at least ten years of service and is re-employed within eight years of said termination of employment;

(4) Upon service retirement;

(5) Upon death;

(6) Upon termination of employment with prejudice after twenty years of service;

(7) For purposes of this Act, termination of employment with prejudice shall mean termination as the result of conviction of the member in a court of competent jurisdiction of embezzlement or larceny of public funds or property or malfeasance in office, or the forcing of a member to make restitution for any funds or property criminally taken by said member at the time of termination of employment.

Section 7. Statement to be Filed

Under such rules and regulations as are adopted by the board, each employee of an employer upon becoming a member, or some one on his behalf, shall file with the board, in such form as the board may prescribe, a statement of the facts pertaining to his status as a member, which shall include a detailed description of all service rendered prior to the date of the most recent termination of membership, as the result of termination of employment with such employer, and such other information as the board may require. Until such statement is filed, no member or his beneficiary shall be eligible to receive any benefits under this Act. As soon as practicable after said statement is filed, the board shall ascertain the amount of service prior to his becoming a member, if any, to which a member is entitled and shall issue to such member a certificate certifying the length of such service rendered by him which certificate shall, however, become void upon termination of membership for any reason except for death or retirement.

Section 8. Years of Service

The board shall determine by appropriate rules and regulations how much service in any year is the equivalent of a year of service, but in no case shall it allow cerdit for more than one year of service for all service rendered in any period of twelve consecutive months.

Section 9. Cessation of Membership

When membership ceases, except in the case of retirement, an employee shall thereafter lose all right to any retirement allowance or benefits under this Act arising from service prior to the date of such cessation of membership.

Section 10. Service in Armed Forces

(1) Any member entering the armed forces of the United States after he first participates in the system, being on leave or absence from service and not withdrawing his accumulated contributions, shall be entitled to have credited as service his period of service in the armed forces of the United States, not to exceed six years, provided his discharge therefrom is honorable and he is re-employed within one year

after discharge, or upon the subsequent termination of any total disability which existed at the expiration of said year after discharge.

(2) Any member of the system who, prior to the date he first participated in the system, terminated his employment in order to enter the armed forces of the United States and who was or is reemployed within one year after his honorable discharge therefrom, or upon the subsequent termination of any total disability which existed at the expiration of said year after discharge, shall be entitled to have credited as service his period of service in the armed forces, not to exceed six years.

Section 11. Contributions of Members

(1)

(a) Each member shall, commencing on the date he becomes a member, contribute for each pay period for which he receives compensation 2½% of his creditable compensation if his rate of annual compensation does not exceed $4,200. If such member's rate of annual compensation exceeds $4,200, he shall contribute 2½% of that portion of his creditable compensation not in excess of the equivalent applicable rate for such pay period to annual compensation of $4,200 and 4% of that portion of his creditable compensation which is in excess of such rate applicable to annual compensation of $4,200.

(b) Each employee of a department on the date the department first participates in the system who elects to become a member subsequent to such date, but prior to the next succeeding October 1, shall make contributions which he would have made if he had elected to become a member as of the date such department first participated.

(2) The Commissioner of Finance shall cause to be deducted from the salary or compensation of each member for each and every payroll period subsequent to the date of the establishment of the system, the contribution payable by such member as provided in this Act, but in no case shall any deduction be made from the compensation of a member after his normal retirement date if such member elects not to contribute.

(3) In determining the creditable compensation of a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of the payroll period, and, to facilitate the making of deductions, may allow the omission of deductions from any fractional amount less than one dollar from any member in any period and may allow the omission of deductions from compensation for any period less than a full payroll period if any employee was not a member on the first day of the payroll period.

(4) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made as provided herein; and payment of salary or compensation less such deductions shall be a

full and complete discharge of all claims for services rendered by such person during the period covered by such payment, except as to any benefits provided by this Act.

(5) Notwithstanding any other provisions of this section, no deduction shall be made from any member's compensation if the employer's contribution required hereunder is in default.

Section 12. Contributions of Employer

(1) Each employer shall contribute annually an amount equal to a certain percentage of the creditable compensation of its members, to be known as the "normal contribution", and an additional amount equal to a certain percentage of such creditable compensation to be known as the "prior service liability contribution".

(2) Until the prior service liability contribution is no longer required, the normal contribution shall be determined as such annual amount payable during the member's periods of service while under the system required to provide the retirement allowances due to such service not provided by the member's contributions. After the prior service liability contribution is no longer required, the normal contribution shall be determined as such annual amount payable during the members' periods of service under the system required to provide the difference between the total liabilities for retirement allowances not provided by members' contributions and the amount of the assets in the retirement allowance account.

(3) The prior service liability contribution shall be such annual amount required to provide for the liquidation, within thirty years of July 1, 1956, of the liability for retirement allowances due to prior service with the employer. The unfunded prior service liability at any particular time shall be the excess, if any, of the then present value of the retirement allowances due to prior service over the total accumulated prior service liability contributions previously made with interest on such contributions at the rates of interest earned each year on the assets of the system.

(4) Normal contributions and the prior service liability contributions shall be determined on actuarial basis adopted by the board. Such contributions shall be determined by the board after each valuation and shall continue in force until a new valuation is made.

(5) The board shall furnish to the employer prior to the beginning of each fiscal year its best estimate of the normal contributions, the prior service liability contributions and the expenses of administering the system as provided in sections 28 to 33 necessary to meet the provisions of this Act during the fiscal year next following. The estimated amount so furnished shall be included in the budget for the department and the department shall make available to the board sufficient funds to provide actual amounts necessary for contributions and expenses.

(6) The aggregate employer contributions payable into the retirement allowance account shall be at least sufficient, when combined with the amount then held in the account, to provide the benefits payable from such account during the current year.

Section 13. Assets Credited to One of Two Accounts

All of the assets of the system shall be held and invested in the Kentucky Employees Retirement Fund and credited, according to the purpose for which they are held, to one of two accounts, namely, the members' contribution account, and the retirement allowance account.

Section 14. Members' Contribution Account

(1) The members' contribution account shall be the account to which all members' contributions and interest allowances as provided in this Act shall be credited. From this account shall be paid the accumulated contributions of a member required to be returned to him upon withdrawal, or paid in the event of his death before retirement.

(2) The Commissioner of Finance shall, at the end of each payroll period, transfer to the members' contribution account an amount equal to the aggregate amount of the deductions made for the preceding payroll period from the salaries of all members. The Commissioner of Finance shall forward a record of all such transfers to the board.

(3) Each member's contribution provided for in section 11 shall be credited to the individual account of the contributing members.

(4) Each individual account of the members' contribution account shall be cerdited annually with interest at that rate determined by the board but not less than two per centum per annum on the accumulated contributions of the member; provided, however, that interest shall accrue on any such contribution beginning at the end of the fiscal year in which each such contribution was made. Such amounts so credited shall be transferred from the retirement allowance account.

(5) Upon the retirement of a member, his accumulated contributions shall be transferred from the members' contribution account to the retirement allowance account.

Section 15. Retirement Allowance Account

The retirement allowance account shall be the account in which shall be accumulated all employer contributions, amounts transferred from the members' contribution account, and to which all income from the invested assets of the system shall be credited. From this account shall be paid the expenses of the board in administering the system, retirement allowances and any other benefits payable after a member's retirement and from this account shall be transferred to the members' contribution account the interest credited annually to each member's individual account as provided by section 14.

Section 16. Deposits

For the purpose of meeting disbursements for retirement allowances and other payments, there may be kept available cash, not exceeding 7½% of the total amount in both accounts of the system, on deposit in one or more banks or trust companies that are designated by the State Treasurer as depositories for funds of the state. The members of the board shall not be liable for any loss sustained as to such funds that are on deposit in such banks or trust companies.

Section 17. Service Retirement

(1) Any member in service at his normal retirement date may retire at that time or, with the consent of the Personnel Policy Committee of the Division of Personnel, Department of Finance, at any time thereafter upon written notification to the board, made by such member or his employer, setting forth at what time the retirement is to become effective, provided that such effective date shall be after his last day of service but shall not be more than ninety days prior to or subsequent to the filing of such notice.

(2) Any member who is in service on or after his fifty-fifth birthday and has completed at least twenty years of service may, upon approval by the board, retire upon written request to the board, made by the member or his employer, setting forth at what time the retirement is to become effective, provided that such effective date shall be after his last day of service and after the filing of such notice but shall not be more than ninety days subsequent to the filing of such notice.

(3) Any member having left the service after having completed at least twenty years of service as of the date of leaving service, may retire under the provisions of subsection (2) of this section provided that he shall not have withdrawn his accumulated contributions prior to the effective date of his retirement and except that any requirements as to the member being in service shall not apply.

Section 18. Service Retirement Allowance

(1) Upon service retirement at normal retirement date, or subsequent thereto, a member shall receive an annual retiremnt allowance, payable monthly during his lifetime, which shall consist of an amount equal to¼% of the first $1320 of final compensation multiplied by the number of years of service, plus 1% of the next $2880 of final compensation multiplied by the number of years of service, plus 1¼% of final compensation in excess of $4200 multiplied by the number of years of service.

(2) Upon service retirement prior to normal retirement date, a member shall receive an annual retirement allowance payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his actual

retirement at his normal retirement date with years of service and final compensation being determined as of the date of his actual retirement, but the amount of the retirement allowance so determined shall be reduced by 5/12% for each 30 days that the actual retirement date precedes the normal retirement date.

Section 19. Disability Retirement

Any member in service who has fifteen or more years of service may, at any time before his normal retirement date retire on account of disability upon written notification to the board, made by the member or his employer, setting forth at what time the retirement is to become effective; provided that such effective date shall be after the last day of service but shall not be more than ninety days prior to the filing of such notice; and provided further that the examiner, after a medical examination of such member, shall certify that such member is, and has been continuously since such effective date, if prior to the filing of such notice, mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent and that such member should be retired.

Section 20. Disability Retirement Allowance

Upon disability retirement, a member shall receive an annual retirement allowance payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his disability except that the amount of such annual retirement allowance shall not be less than $480.00; provided, however, that the amount of disability retirement allowance payable after the member's normal retirement date shall not be greater than that amount equal to the service retirement allowance for retirement on his normal retirement date determined on the assumption that the member's compensation on the date of disability continued in the same amount up to his normal retirement date and that years of service include the period of disability retirement prior to his normal retirement date.

Section 21. Medical Examination of Beneficiary of Disability Retirement Allowance

Once each year during the first five years following the retirement of a member on a disability retirement allowance, and once in every three-year period thereafter, the board will require such member, prior to his normal retirement date, to undergo a medical examination by the examiner. Should the member refuse to submit to any such medical examination, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year, all his rights to any further disability allowance shall cease and he shall, at the end of such one year, cease to be a member hereunder.

Section 22. Reduction of Disability Retirement Allowance

(1) Whenever the examiner certifies to the board that a member receiving a disability retirement allowance is, prior to his normal retirement date, engaged in gainful occupation or work paying more than the difference between the disability retirement allowance and his final compensation, the board may reduce such retirement allowance to an amount which, together with the amount earnable by him equals the amount of his final compensation.

(2) Should the examiner report and certify to the board at any time that any disabled member is able to engage in gainful occupation paying more than the difference between his retirement allowance and his final compensation at retirement, and should the board find that such member shall have refused any employment considered by the board suitable to his capacity, he shall not be entitled to any such allowance during the continuance of such refusal, unless in the opinion of the board such refusal was justified.

Section 23. Cessation of Disability Retirement Allowance

(1) Should a member receiving a disability retirement allowance recover from such disability at any time prior to his normal retirement date, his disability retirement allowance shall cease, and if he re-enters the active employ of an employer within thirty days after such recovery, he shall continue to be a member of the system and shall thereafter make his required contributions. Any service on the basis of which his disability retirement allowance was computed shall thereafter be counted as service and, in addition, the period of disability retirement shall be counted as service.

(2) The excess, if any, of accumulated contributions of such member as of the date of disability retirement over the disability retirement allowances received by him shall be transferred from the retirement allowance account to the members' contribution account.

Section 24. Refund of Contributions Upon Withdrawal or Death Before Retirement

If a member has ceased to be an employee other than by death, or by retirement under the provisions of this Act, he shall be paid, on demand, but not later than ninety days thereafter, the amount of his accumulated contributions reduced by the amount of any retirement allowances previously received by him under any of the provisions of this Act. Should a member die at any time before retirement, the amount of his accumulated contributions, reduced by the amount of any retirement allowances previously received by him under any of the provisions of this Act, shall then be payable in a lump sum in accordance with section 27.

Section 25. Death Benefits After Retirement

Should a member die at any time after retirement but before receiving total retirement allowances provided in this Act at least equal to his accumulated contributions as of the date of his retirement, the difference between such accumulated contributions and such total allowances shall then be payable in a lump sum in accordance with section 27 unless the retirement allowance is then being paid in accordance with any of the options contained in section 26.

Section 26. Optional Benefits

(1) Each member shall have the right, with respect to paragraph (a) herein, not subsequent to the later of the effective date of the member's retirement or the date of the written notification to the board of the retirement of the member, or with respect to paragraphs (b) and (c) herein, not subsequent to one year prior to retirement, to elect to have his retirement allowance payable under any one of the options set forth in this section in lieu of the retirement allowance otherwise payable to him upon retirement under any of the provisions of this Act. The amount of any such optional retirement allowance shall be the actuarial equivalent of the amount of such retirement allowance otherwise payable to him. The member shall make such an election by written request to the board and such election shall be subject to the approval of the board.

(a) A member may elect to receive an increased retirement allowance in lieu of any death benefits as provided in section 25.

(b) The member may elect to receive a decreased retirement allowance during his lifetime and have such retiremnt allowance, or one-half thereof if so designated, continued after his death to another person during the lifetime of such person. In case of such an election death benefits that might otherwise be provided under section 25 shall not be payable upon the death of the member. This option may not be elected by a member if the social security option of paragraph (c) herein has previously been elected.

(c) If a member retires prior to his sixty-fifty birthday, he may elect to receive an increased retirement allowance up to the date he commences to rceive his primary insuranc benefits under Federal Social Security and a decreased retirement allowance thereafter, thereby providing a more nearly level retirement allowance when such decreased retirement allowance is added to his anticipated primary benefits under the Federal Social Security Act. The election of this option shall automatically revoke any previous election under the joint and last survivor option of paragraph (b) herein.

(2) The election by a member of any one of the options stated in this section shall be null and void if the member dies prior to retirement, and the election of a member of option (b) shall be null and void if the designated person dies before the member's retirement.

(3) A member who has elected any one of the options stated in this section may, at any time prior to the later of the effective date of the member's retirement or the date of written notification to the board of retirement of the member, revoke such an election by written notification to the board of retirement of the member, revoke such an election by written notification to the board.

(4) If any service or disability retirement allowance provided in sections 17 through 27 of this Act is less than $20.00 a month, the board may at its discretion pay the actuarial equivalent of such allowance in any other manner agreed on by the member and board.

Section 27. Payment of Death Proceeds

All lump sum payments due under this Act upon the death of a member or retired member shall be paid to such person, if any, as the member or retired member shall have nominated by written designation signed in such manner as may be required by the board and filed with the board, otherwise to his executors or administrators. Such nomination may be changed from time to time by written designation by the member or retired member, signed and filed as aforesaid.

Section 28. Board to Administer System

(1) The system shall be administered by a Board of Trustees, which shall organize and begin to function at Frankfort, Kentucky, on or prior to the effective date of this Act and shall meet monthly thereafter in Frankfort at such time and place as may be determined by the board. Said board shall consist of five persons appointed by the Governor who shall serve for terms of four years, except that one member of the first board shall be appointed for a term of one year, one member for a term of two years, one member for a term of three years and two members for a term of four years.

(2) Board members who are not employees of a department shall receive a salary of $10.00 per day for each day they are in session or are on official duty. All board members shall receive per diem expenses as established by the board in accordance with standards and regulations applicable to a department employee when on official duty.

(3) The board shall elect a Chairman and Vice Chairman. A majority of the members shall constitute a quorum, and all actions taken by the board will be by affirmative vote of a majority of the entire board. All vacancies on said board shall be filled by appointment for unexpired terms by the Governor.

(4) The board shall:

(a) Appoint an executive secretary, who shall be the secretary and the administrative officer of the board;

(b) Appoint such other employees as it deems necessary and fix the compensation for all employees of the board;

(c) Require such employees as it thinks proper to execute bonds for the faithful performance of their duties;

(d) Establish a system of accounting; and

(e) Do all things, take all actions and make all rules and regulations, not inconsistent with the provisions of this Act, that it deems necessary or proper in order to carry out the provisions of this Act.

(5) All employees of said board shall serve during its will and pleasure.

(6) The Attorney General, or an assistant designated by him, shall act as legal adviser and attorney for the board.

(7) The board shall prepare and publish an annual financial report showing all receipts, disbursements, assets and liabilities. All its proceedings and records shall be open for inspection by the public.

(8) All expenses incurred by or on behalf of the board in the administration of the system during a fiscal year shall be paid from the retirement allowance account. The expenses incurred by the board in the administration of the system during any fiscal year shall not exceed $10,000, or 2% of the total employer and member contributions during such fiscal year, whichever is the larger.

Section 29. Investments

(1) The board shall be the trustee of the several funds created by this Act and shall have full power to invest and reinvest such funds, subject to the limitation that no investment shall be made except upon the exercise of bona fide discretion, in securities which, at the time of making the investment, are, by law, permitted for the investment of funds by fiduciaries in this state. Subject to such limitation, the board shall have full power to hold, purchase, sell, assign, transfer or dispose of, any of the securities or investments in which any of the funds created herein have been invested, as well as of the proceeds of such investments and any moneys belonging to such funds.

Section 30. Prohibited Interest of Members of Board

No member of the board shall have any interest, direct or indirect, in the gains or profits of any investment made by the board, save insofar as any such member may be a member or beneficiary of the retirement system. No member of the board shall, directly or indirectly, for himself or as an agent, in any manner use the funds or deposits of the retirement system, except to make such payments therefrom as are authorized by the board; nor shall any member of the board become an endorser or surety or in any manner an obligor for moneys loaned by or borrowed from the boad.

Section 31. Fiscal Officer of the Board

The State Treasurer shall be the custodian of the fund created by this Act and he shall be responsible on an official surety bond for all cash and securities in his custody. All registered securities in the fund created by this Act shall be registered in the name "Kentucky Employees Retirement System" and every change in registration, by reason of sale or assignment of such securities, shall be accomplished by the signature of the State Treasurer, and securities shall be delivered by him when directed so to do by resolution of the board. All payments from said fund shall be made by him on warrants issued upon orders signed by such person as is designated for the purpose by the board. A duly attested copy of a resolution of the board designating such person and bearing on its face the specimen signature of such person shall be filed with the Commissioner of Finance as his authority for issuing warrants upon such orders. No order shall be signed unless it has previously been authorized by the board, which authorization shall be recorded on the records of the board.

Section 32. Medical Examiners

The board shall, from time to time, employ one or more physicians, practicing in the state and not members of the system, upon such terms and conditions as it may prescribe, whose duty it shall be to pass upon all medical examinations required under this Act or by the board, and to investigate all health or medical statements and certificates made by or in behalf of any person in connection with the payment of money to such person under this Act, and shall report in writing to the board his conclusions and recommendations upon all matters referred to him.

Section 33. Actuarial Bases, Investigations, and Valuations

As soon as practicable after its organization, the board shall adopt such actuarial tables as are necessary for the administration of the system and for the annual determination of assets and liabilities of the system. At least once in each five-year period, the board shall cause an actuarial investigation to be made of all the experience under the retirement system. Pursuant to such investigation the board shall, from time to time, revise the actuarial tables previously adopted by the board and shall thereupon revise the bases of the rates of contributions required under this Act. All such investigations and evaluations must be certified to the board by a Fellow of the Society of Actuaries.

Section 34. Duties of Appointing Authorities

The employer shall prepare such records and, from time to time, shall furnish such information as the board may require in the discharge of its duties. Upon employment of a member, the employer shall inform the member of his duties and obligations in connection with the system as a condition of employment.

Section 35. Acceptance of Employment as Consent to Provisions of this Act

Every member shall be deemed to consent and agree to any deductions from his compensation required by this Act and to all other provisions thereof.

Section 36. Changes or Errors in Records Resulting in Erroneous Payments

Should any change or error in records result in any member or beneficiary receiving from the system more or less than he would have been entitled to receive had the records been correct, then on discovery of any such error the board shall correct the same, and as far as practicable shall adjust the payments in such a manner that the actuarial equivalent of the benefit to which the member or beneficiary was correctly entitled shall be paid.

Section 37. Exemption from Taxation, Execution and Assignment

All retirement allowances and other benefits accrued or accruing to any person under the provisions of this Act, and the accumulated contributions and cash securities in the funds created under this Act, are hereby exempted from any state, county, or municipal tax, and shall not be subject to execution, attachment, garnishment, or any other process whatsoever, nor shall any assignment thereof be nforceable in any court.

Section 38. Alteration, Amendment or Repeal

(1) The General Assembly of the Commonwealth of Kentucky reserves the right to alter, amend or repeal any provision of this Act or any application thereof to any person; provided, however, that the amount of benefits which at the time of any such alteration, amendment or repeal shall have accrued to the extent provided under subsection (3) of this section for the members or beneficiaries shall not be affected thereby.

(2) If the General Assembly repeals the provisions of this Act, the board shall continue to administer the system in accordance with the provisions of this Act for the sole benefit of the then members, any beneficiaries then receiving retirement allowances, and any further persons entitled to receive benefits under one of the options provided for in this Act who are designated by any of said members.

(3) In the event of repeal as provided in subsection (1) of this section the assets of the system shall be allocated by the board in an equitable manner to provide benefits for the persons designated in subsection (2) of this section in accordance with the provisions of this Act but based on years of service and final compensation as of the date of repeal and in the following order:

(a) For the benefit of then members to the extent of their individual account in the members' retirement allowanc account.

(b) If any funds remain, then for the benefit of then beneficiaries and persons already designated by former members who are then beneficiaries under one of the options provided for in this Act to the extent and in proportion to the then actuarial value of their retirement allowances.

(c) If any funds remain, then for the benefit of members and persons, if any, designated by members under one of the options provided for in this Act, to the extent not provided under paragraph (a) herein of, and in proportion to, the then actuarial value of their accrued retirement allowances.

(4) In the event the assets at the date of repeal are insufficient to provide all of the benefits of paragraph (a) or (b) of subsection (3), or both, then each employer will contribute to the assets from time to time, as and when required, the amount necessary to make up such insufficiency.

(5) The allocation of assets of the system provided for in subsection (3) of this section shall be carried out through the payment by the board of the benefits provided for in this section as they become due, or by the transfer of such assets to any retirement system replacing this system, provided that such vesting of benefits in the members or beneficiaries as are provided by this section shall be fully maintained under such new retirement system. Any funds remaining in the assets of this system after all of the vested benefits provided by this section have been paid shall revert to the employer.

(6) Any allocation of assets made in accordance with the provisions of this section shall be final and binding on all persons entitled to benefits under said provisions.

Section 39. Protection Against Fraud

Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the system in any attempt to defraud the system shall, upon conviction thereof, be punished by fine not exceeding $1,000 or imprisonment not exceeding twelve months or both.

Section 40.

This Act shall become effective July 1, 1956.

HB 471: AN ACT concerning regulation of the manufacture, sale, transportation, distribution and use of economic poisons and devices, including fungicides, rodenticides and herbicides.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Economic poison" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, bacteria, weeds, or other forms of plant or animal life or viruses (except viruses on or in living man or other animals) which the Director shall declare to be a pest;

(2) "Device" means any instrument or contrivance intended for trapping, destroying, repelling, or mitigating insects or rodents or destroying, repelling, or mitigating fungi, bacteria, or weeds, or such other pests as may be designated by the Director, but not including simple, mechanical devices such as rat traps or equipment used for the application of economic poisons when sold separately therefrom.

(3) "Insecticide" means any substance or mixture of substances

intended for preventing, destroying, repelling or mitigating any insects which may be present in any environment whatsoever;

(4) "Fungicide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any fungi, or plant disease;

(5) "Rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vetebrate animal which the Director shall declare to be a pest.

(6) "Herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any weed;

(7) "Weed" means any plant which grows where not wanted;

(8) "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms as for example, bettles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice, also nematodes and other worms, or any other invertebrates which are destructive, constitute a liability, and may be classed as pests;

(9) "Fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-cholorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, bacteria, and viruses, except those on or in living man or other animals;

(10) "Ingredient statement" or "guaranteed analysis statement" means either (a) a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the economic poisons; and, in addition, in case the economic poisons contain arsenic in any form, a statement of the percentage of total and water soluble arsenic, each stated as elemental (metallic) arsenic; or (2) a statement of the name of each active ingredient in the descending order of percentages, together with the name of each and total percentage of the inert ingredients, if any there be, in the economic poison (except option one shall apply if the preparation is highly toxic to man, determined as provided in section 6 of this Act);

(11) "Active ingredient" means an ingredient which will prevent, destroy, repel, or mitigate insects, fungi, rodents, weeds, or other pests;

(12) "Inert ingredient" means an ingredient which is not an active ingredient;

(13) "Antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment;

(14) "Person" means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not;

(15) "Director" means the Director of Kentucky Agriculture Experiment Station;

(16) "Registrant" means the person registering any economic poison pursuant to the provisions of this Act;

(17) "Label" means the written, printed, or graphic matter on, or attached to, the economic poison or device, or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the economic poison or device;

(18) "Labeling" means all labels and other written, printed or graphic matter;

(a) Upon the economic poison or device or any of its containers or wrappers,

(b) Accompanying the economic poison or device at any time,

(c) To which reference is made on the label or in literature accompanying the economic poison or device, except when accurate, non-misleading reference is made to current official publications of the Agricultural Experiment Station, the College of Agriculture of the University of Kentucky, the Department of Agriculture, Labor and Statistics, the Department of Health, or similar Federal institutions or other official agencies of this state or other states when such agencies are authorized by law to conduct research in the field of economic poisons;

(19) "Adulterated" means any economic poison the strength or purity of which falls below the professed standard or quality as expressed on labeling or under which it is sold, or any substance of which has been substituted wholly or in part, or any valuable constituent of which has been wholly, or in part, abstracted;

(20) "Misbranded" shall mean any economic poison or device:

(a) The labeling of which bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

(b) Which is an imitation of or is offered for sale under the name of another economic poison;

(c) The labeling of which bears any false reference to registration under this Act;

(d) The accompanying labeling of which does not contain directions for use which are necessary and, if complied with, adequate for the protection of the public;

(e) The label of which does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals, vegetation, and useful invertebrate animals;

(f) The label of which does not bear an ingredient statement or guaranteed analysis statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement or guaranteed analysis statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase;

(g) In which any word, statement, or other information required by or under the authority of this Act to appear on the labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; or

(h) Which, in the case of insecticide, fungicide, or herbicide, when used as directed or in accordance with commonly recognized safe practice, shall be injurious to living man or other vertebrate animals or vegetation, to which it is applied, or to the person applying such economic poison, excepting pests and weeds.

Section 2. It shall be unlawful for any person to distribute, sell, or offer for sale within the state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following:

(1) Any economic poison which is not registered pursuant to the provisions of Section 5 of this Act, or any economic poison if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of an economic poison differs from its composition as represented in connection with its registration; Provided, that, in the discretion of the Director, a change in the labeling or formula of an economic poison may be made, within a registration period, without requiring re-registration of the product; Provided further that changes at no time are permissible if they lower the efficacy of the product;

(2) Any economic poison, except in the registrant's or the manufacturer's unbroken immediate container, unless there is affixed to the container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing:

(a) The name and address of the manufacturer, registrant, or person for whom manufactured;

(b) The name, brand, or trade mark under which said article is sold; and

(c) The net weight or measure of the content subject, however to such reasonable variations as the Director may permit;

(3) Any economic poison which contains any substance or substances in quantities highly toxic to man, determined as provided in Section 6 of this Act, unless the label shall bear, in addition to any other matter required by this Act.

(a) The skull and crossbones;

(b) The word "poison" prominently, in red, on a background of of distinctly contrasting color; and

(c) A statement of an antidoe for the economic poison.

(4) The economic poisons commonly known as lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium flousilicate, and barium flousiliciate unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this Act, or any other white powder economic poison which the Director, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, shall by regulation, require to be distinctly colored or discolored; unless it has been so colored or discolored; Provided, that the Director may exempt any economic poison, to the extent that it is intended for a particular use or uses, from the coloring or discoloring required or authorized by this subsection if he determines that such coloring or discoloring for such use or uses is not necessary for the protection of the public health;

(5) Any economic poison which is adulterated or misbranded, or any device which is misbranded.

Section 3. It shall be unlawful:

(1) For any person to detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this Act or the rules and regulations promulgated hereunder, or to add any substance to, or take any substance from an economic poison in a manner that may defeat the purposes of this Act;

(2) For any manufacturer, distributor, dealer, carrier, or other person to refuse, upon a request in writing specifying the nature or kind of economic poison or device to which such request relates, to furnish to or permit any person designated by the Director to have access to and to copy such records of business transactions as may be essential in carrying out the purposes of this Act;

(3) For any person to give a guaranty or undertaking provided for in Section 8 which is false in any particular, except that a person who receives and relies upon a guaranty authorized under Section 8 may give a guaranty to the same effect, which guaranty shall contain in addition to his own name and address the name and address of the person residing in the United States from whom he received the guaranty or undertaking;

(4) For any person to use for his own advantage or to reveal, other than to the Director, or officials or employes of the state or officials or employes of the United States Department of Agriculture, or other Federal agencies, or to the courts in response to a subpoena, or to physicians, and in emergencies to pharmacists and other qualified persons for use in the preparation of antidoes, in accordance with such directions as the Director may prescribe, any information rela-

tive to formulas of products acquired by authority of Section 5 of this Act;

(5) For any person to oppose or interfere in any way with the Director or his duly authorized agents in carrying out the duties imposed by this Act.

Section 4. In addition to the remedies herein provided, the Director is hereby authorized to apply to an appropriate court for, and such court shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction restraining any person from violating any provision of section three, irrespective of whether or not there exists an adequate remedy at law.

Section 5. (1) Every economic poison which is distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within the state through any point outside this state shall be registered with the Director. The Director may register and permit the sale of any such economic poison which has been duly registered without protest under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act, but products so registered shall be subject to the inspection fees provided for herein, and to all other provisions of this Act. All registration of products shall expire on the thirty-first of December following date of issuance, unless such registration shall be renewed annually, in which event expiration date shall be extended for each year of renewal registration, or until otherwise terminated; Provided that:

(a) Products which have the same formula, and are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same economic poison may be registered as a single economic poison; additional names and labels shall be added by supplement statements during the current period of registration;

(b) Within the discretion of the Director, or his authorized representative, a change in the labeling or formulas of an economic poison may be made within the current period of registration, without requiring a re-registration of the product, provided the name of the item is not changed.

(2) The registrant shall file with the Director, a statement containing:

(a) The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

(b) The name of the economic poison;

(c) A complete copy of the labeling accompanying the economic poison and a statement of all claims made and to be made for it including directions for use; and

(d) If requested by the Director, a full description of the tests made and results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the economic poison was registered or last re-registered.

(3) The registrant, before selling or offering for sale any economic poison in this state, shall register each brand or grade of such economic poison with the Director upon forms furnished by the Director, and, for the purposes of defraying expenses connected with the enforcement of this Act, shall pay to the Director an annual inspection fee of five dollars for each and every brand or grade to be offered for sale in this state provided, however, that any registrant may register annually any number of brands after the payment of annual fees aggregating $100. There shall be issued to the registrant by the Director a license entitling the registrant to sell all duly registered brands in this state until the expiration of the license.

(4) The Director, whenever he deems it necessary in the administration of this Act, may require the submission of the complete formula of any economic poison. If it appears to the Director that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of this Act, he shall register the article.

(5) If it does not appear to the Director that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this Act, he shall notify the registrant of the manner in which the article, labeling, or other material required to be submitted fail to comply with this Act so as to afford the registrant an opportunity to make the necessary corrections.

(6) The Director is authorized and empowered to refuse to register, or to cancel the registration of, any brand of economic poison as herein provided, upon satisfactory proof that the registrant has been guilty of fraudulent and deceptive practices in evasions or attempted evasions of the provisions of this Act or any rules and regulations promulgated thereunder; Provided, that no registration shall be revoked or refused until the registrant shall have been given a hearing by the Director.

(7) Notwithstanding any other provision of this Act, registration is not required in the case of an economic poison shipped from one plant within this state to another plant within this state operated by the same person.

Section 6. (1) The Director is authorized, after opportunity for a hearing:

(a) To declare as a pest any form of plant or invertebrate animal life or virus which is injurious to plants, animals, articles, or substances;

(b) To determine whether economic poisons are highly toxic to man;

(c) To determine standards of coloring or discoloring for economic poisons and to subject economic poisons to the requirements for coloration or discoloration imposed by this Act;

(2) The Director is further authorized:

(a) To effect the collection and examination of samples of economic poisons and devices to determine compliance with the requirements of this Act; and he shall have the authority at all reasonable hours to enter into any car, warehouse, store, building, boat, vessel or place supposed to contain economic poisons, or devices, for the purpose of inspection or sampling, and to procure samples for analysis or examination from any lot, package or parcel of economic poison, or any device;

(b) To publish from time to time, in such forms as he may deem proper, complete information concerning the sale of economic poisons, together with such data on their production and use as he may consider advisable, and reports of the results of the analyses based on official samples of economic poisons sold within the State;

(c) To make, promulgate, alter, change, rescind such rules, regulations, and standards relating to the sale and distribution of economic poisons as he may find necessary to carry into effect the full intent and meaning of this Act;

(d) To cooperate with, and enter into agreements with, any other agency of this state, the United States Department of Agriculture, and any other state or agency thereof for the purpose of carrying out the provisions of this Act and securing uniformity of regulations.

Section 7. (1) If it shall appear from the examination or evidence that any of the provisions of this Act or the rules and regulations issued thereunder have been violated, the Director may cause notice of such violations to be given to the registrant, distributor, and processor from whom any sample or evidence was taken. Any party so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed by the Director. If it appears after such hearing that there has been a sufficient number of violations of this Act or the rules and regulations issued thereunder, the Director may certify the facts to the Commonwealth's attorney or the county attorney for the county in which the violation shall have occurred and furnish that officer with a copy of the results of any examination of such sample duly authenticated by the officer making the examination. It shall be the duty of every such attorney to whom the Director shall report any violation of this Act to cause proceedings to be prosecuted without delay for the fines and penalties in such cases. Any person convicted of violating any provision of this Act or the rules and regulations issued thereunder shall be adjudged guilty of a misdemeanor and shall be subject to a penalty of not less than $25.00 nor more than $500.00.

(2) Nothing in this section shall be construed as requiring the Director to report minor violations for the institution of proceedings under this Act, whenever the Director believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

Section 8. The penalties provided for violations of section 2 of this Act shall not apply to:

(1) Any carrier, while lawfully engaged in transporting an economic poison within this state, if such carrier shall, upon request, permit the Director or his designated agent to copy all records showing the transactions in and movements of the articles;

(2) Public officials of this state and of the Federal government engaged in the performance of their official duties;

(3) The manufacturer or shipper of an economic poison for experimental use only:

(a) By or under the supervision of an agency of this state or of the Federal government authorized by law to conduct research in the field of economic poisons; or

(b) By others if the economic poison is not sold and if the container thereof is plainly and conspicuously marked "for experimental use only—Not to be sold," together with the manufacturer's name and address; Provided, however, that if a written permit has been obtained from the Director, economic poisons may be sold for experimental purposes subject to such restrictions and conditions as may be set forth in the permit;

(4) Any person who establishes a guaranty signed by, and containing the name and address of, the registrant or person residing in the United States from whom he purchased and received in good faith the article in the same unbroken package, to the effect that the article was lawfully registered at the time of sale and delivery to him, and that it complies with the other requirements of this Act, designating this Act. In such case the guarantor shall be subject to the penalties which would otherwise attach to the person holding the guaranty under the provisions of this Act.

(5) Any preparation, drug, or chemical intended to be used or sold solely for medicinal use or for toilet purposes.

Section 9. It shall be the duty of the Director to issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of economic poison and to hold at a designated place when the Director finds said economic poison is being offered or exposed for sale in violation of any of the provisions of this Act until the law has been complied with and said economic poison is released in writing by the Director or said violation has been otherwise legally disposed of by written authority; provided that the owner or custodian of such economic poison shall have the right to appeal from such order to a court of competent jurisdiction in the county where the said economic poison or poisons are found, praying for a judgment as to the justification of said order, and for the discharge of such economic poison from the order prohibiting the sale in accordance with the findings of the court; and provided further that the provisions of this paragraph shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other provisions of this Act. The Director shall release the economic poison so withdrawn when the requirements of the provisions of this Act have been complied with and upon payment of all costs and expenses incurred in connection with the withdrawal.

Section 10. Any lot of economic poison not in compliance with the provisions of this Act shall be subject to seizure on complaint of the Director to a court of competent jurisdiction in the county in which said economic poison is located. In the event the court finds the said economic poison to be in violation of this Act and orders the condemnation of said economic poison, it shall be disposed of in any manner consistent with the quality of the economic poison and the laws of the state; Provided, that in no instance shall the disposition of said economic poison be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said economic poison or for permission to process or relabel said product to bring it into compliance with this Act.

Section 11. All authority vested in the Director by virtue of the provisions of this Act may, with like force and effect, be executed by such employes of the Kentucky Agricultural Experiment Station as the Director may from time to time designate for said purpose.

Section 12. If any clause, sentence, paragraph, or part of this Act shall for any reason be judged invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 13. All laws and parts of laws in conflict with or inconsistent with the provisions of this Act are hereby repealed.

Section 14. The Act shall take effect and be in force from and after the first day of July, 1956.

HB 474: AN ACT relating to fire protection districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Chairman" means the Chairman of the Board of Trustees of a fire protection district organized under the provisions of KRS 75.010 to 75.080.

(2) "Fire protection district" means fire districts organized under Chapter 75 of the Kentucky Revised Statutes.

(3) "Board" means the Board of Trustees of a fire protection district organized under Chapter 75 of the Kentucky Revised Statutes.

(4) "Fire department" means the officers, firemen and clerical or maintenance employes, including the chief and assistant chief of the department.

(5) "Chief" means the chief of the fire department of a fire protection district organized under Chapter 75 of the Kentucky Revised Statutes.

(6) "Employes" means all persons employed by the Board of Trustees of a fire protection district organized under Chapter 75 of the Kentucky Revised Statutes.

(6) "Employes" means all persons employed by the Board of Trustees of a fire protection district organized under Chapter 75 of the Kentucky Revised Statutes.

(7) "Member" shall include the chief and all officers and employes of a fire department of a fire protection district.

(8) "Salary" means any compensation received for services.

(9) "Suspension" means the separation of an employe from the service for a temporary or fixed period of time, by his appointing authority, as a disciplinary measure.

(10) "Dismissal" means the discharge of an employe by lawful authority.

(11) "Trustees" means the Board of Trustees of a fire protection district.

Section 2. (1) The Chairman may, if in his discretion there is a case of need, appoint special firemen to do special duties at any place within the limits of the fire protection district, on terms he deems proper.

(2) These special firemen shall be governed by such rules as the board may provide, and be given the powers the board may provide, including the powers enumerated in Section 7 of this Act in the discretion of the board; if rules are not provided they shall be deemed to have the powers and duties of regular firemen.

Section 3. (1) The board shall control the fire department or departments within their district and the property and equipment in these departments.

(2) The board may appoint a chief of the fire department or departments and all subordinates and the number of members in the fire departments shall be determined by the board in their sole dis-

cretion. The board shall, by resolution, fix the salaries of all employes of the fire department, provide for their payment and for the payment of other expenses of the fire protection district. The board may, in their sole discretion, appoint volunteer firemen and fix, by resolution, their compensation, if any, and provide for payment of this compensation. The board may likewise reduce the number of employes of their districts so long as their action is not capricious or arbitrary.

Section 4. (1) The board when disciplining members and employes of the fire protection district shall be goverened by the same procedure provided for in KRS 95.450 in cases of the discipline of members of the police and fire departments in cities of the second and third classes.

(2) Whenever KRS 95.450 uses the term "city legislative body" in case of fire protection districts there shall be substituted "Board of Trustees of the fire protection district", when disciplinary measures are instituted under this section, and when KRS 95.450 uses the term "Mayor" the term "Chairman of the Board of Trustees" shall be substituted in this section.

Section 5. (1) The same right of appeal from action taken under Section 4 of this Act is guaranteed as is provided in KRS 95.460.

(2) Whenever "City legislative body" is used in KRS 95.460 there shall be substituted "Board of Trustees of the fire protection district" in this section; whenever "KRS 95.450" is used in KRS 95.460, Section 4 of this Act shall be substituted in this section; whenever "Clerk" is used in KRS 95.460, "Secretary of the Board of Trustees" shall be substituted in this section.

Section 6. (1) No person shall be appointed a member of the fire department in fire protection districts on account of any political service, contribution, sentiment or affiliation. No member shall be dismissed, suspended or reduced in grade or pay for any political opinion.

(2) No member of the fire department of a fire protection district shall pay or collect any assessments made by political organizations, contribute to political campaign funds or be active in politics or work for the election of candidates for office.

Section 7. (1) The chief of the fire department in fire protection districts shall attend all sessions of the Board, except executive sessions, and he shall execute all the orders of the board. Whenever "Chief" is used in this Act it shall include the assistant chief when the chief is not on duty.

(2) The regular members of the fire department in fire protection districts, except volunteer firemen, shall have the same powers of arrest as now given by law to sheriffs of this Commonwealth and they are hereby expressly declared conservators of the public peace whose duties, in addition to their other prescribed duties, are to conserve

the peace, enforce all laws and preserve order, and they shall have and are hereby expressly given the same right and the same power to arrest, search and seize as is now given by law to sheriffs of this Commonwealth, and they shall be at all times subject to the orders of the county judge in which the fire district lies while enforcing the provisions of this section. Provided, however, that members of said fire departments shall not have the power to serve subpoenas, summonses and notices in civil cases and they shall receive no fees for performing any of the duties prescribed in this section as pertains to powers of law enforcement. The members shall constitute a law enforcement agency in addition to the patrol and investigation functions of the sheriff and his deputies under Sections 6 to 8 of this Act.

Section 8. (1) Each member of the fire department in fire protection districts shall, before entering upon the discharge of his various duties, take an oath before the county judge in which the fire district is located, to faithfully discharge his duties and the oath shall be subscribed by the person taking it and filed in the minute book kept by the Secretary of the board.

(2) Each member of the fire department in fire districts shall give such bond as the board may designate and with such surety as required by the board conditioned upon faithful performance of their duties.

Section 9. (1) The chief or assistant chief of the fire department in fire protection districts shall be present at all fires answered by his department and investigate their causes. He may examine witnesses, compel the testimony of witnesses, administer oaths, compel production of evidence and make arrests as provided in Section 7 of this Act. He may enter any building at all reasonable times for the purpose of examining the building if, in his opinion, the building is in danger of fire. He shall report his findings to the Board when required.

(2) The chief of the fire department in fire protection districts shall direct and control the operation of the fire department and the control of the members in the discharge of their duties. He, and members of the fire department, shall have access to and the use of all cisterns, fireplugs, the waters of the waterworks of private persons and cisterns of private persons for the purpose of extinguishing fires and shall have the power to examine these water supplies at all reasonable times to see that they are in condition for use in case of fire. The chief shall have control of all hose, buildings, engines and other equipment provided for the fire department under direction of the Board, or those authorized by the Board to exercise this discretion, and shall perform such other duties prescribed by the board not inconsistent with law. Upon application within ten days to the board, any owner of property where water is used for fire fighting shall be reimbursed in a reasonable amount by the board for water used.

Section 10. (1) All fire apparatus and other vehicles of the fire department of a fire protection district, and all automobiles of members and volunteers of said fire departments and the automobiles of other employes of the fire protection district, including automobiles of the Trustees, shall have the right of way in any highway over all vehicles except those carrying the U. S. Mails, with due regard to the safety of the public.

(2) No person shall refuse the right of way to any of the above named vehicles while said vehicles are being operated in line of performance of duty by the operator and any person violating any of the provisions of this section shall be fined not less than twenty nor more than five hundred dollars for each offense.

Section 11. (1) It shall be unlawful for any person to cross a fire hose or any other firefighting equipment used by a fire department with any vehicle of any type.

(2) Any person violating any of the provisions of this section shall be fined not less than twety nor more than five hundred dollars.

Section 12. (1) It shall be unlawful for any person to follow closer than two thousand yards behind any fire apparatus or vehicle of a fire protection district including the automobiles of those authorized the right of way in Section 10 of this Act while the vehicles are being operated in the performance of duties prescribed in this chapter.

(2) It shall be unlawful for any person to park any vehicle within one thousand yards of any fire apparatus or on any highway or other right of way when fire apparatus is engaged in fighting a fire and no person shall block the highway or other right of way leading to or from any place where there is a fire.

(3) Any person violating any of the provisions of this section shall be fined not less than twenty nor more than five hundred dollars for each offense.

Section 13. (1) Upon observing warning lights or hearing warning signals of any emergency vehicle, which shall include fire apparatus and vehicles of all kinds of a fire protection district, ambulance, police cars, sheriffs' cars, cars of firemen and volunteers and others authorized by the board to have the right of way, while all mentioned vehicles are being operated in the line of duty, all operators of vehicles in the highways or other right of ways shall imemdiately pull to the right as far as possible and come to a complete stop until such emergency vehicle has proceeded past for at least two thousand yards.

(2) Any person violating any of the provisions of this section shall be fined not less than twenty nor more than five hundred dollars for each offense.

Section 14. (1) The board may issue permits to all firemen, volunteer firemen and employes of the fire protection district to place and use warning lights and sirens on their private automobiles for use while in performance of duty only.

(2) Permits granted pursuant to Subsection (1) of this section shall be in writing and kept by the operator of the vehicle in the vehicle. Said permits shall be taken up and destroyed by the board when the person having the permit is no longer employed by the board.

(3) Any person using warning lights and sirens while not in the performance of duty in the fire protection district shall be fined not less than twenty nor more than five hundred dollars and subject to disciplinary action under the provisions of Section 4 of this Act.

Section 15. The Secretary of the board shall keep a minute book, appropriately bound and marked, in which the minutes of each meeting of the board shall be kept, together with all resolutions, tax levies, and other important material the board may designate. The book shall be kept on file in the office of the clerk of the county in which the greater part of the fire protection district lies. The public shall have the right to inspect the book and its contents at all times.

Section 16. (1) The board may, in its discretion, employ or retain a regularly licensed attorney to advise them on all matters pertaining to their duties and shall have the discretion to delegate such authority to said attorney not forbidden by law. Said attorney shall attend all meetings of the board, except executive sessions when the board does not desire his presence, whenever the board shall request him to attend and shall advise the board on all legal matters on which he is requested to give advice.

(2) In addition to the attorney provided for in subsection (1) of this section, the county attorney in the county in which the fire protection district lies shall advise and represent the board in all matters and on the occasions chosen by the board whenever the board so requests.

(3) The board may fix the salary or compensation of the attorney provided for in subsection (1) of this section, in their discretion.

Section 17. (1) The board may fix the respective salaries of its members on a per meeting basis not to exceed $3.00 per meeting and not to exceed one meeting per month.

(2) The board shall meet at least once a month at a time and place designated by the board and all meetings, except executive meetings, shall be open to the public.

Section 18. (1). Any person having need to report a fire shall have the right of way over all telephone lines to report a fire.

(2) Any person refusing to allow any person to use any telephone to report a fire or refusing to surrender use of the lines to a person wishing to report a fire shall be fined not less than one hundred nor more than five hundred dollars or imprisoned in the county jail for not less than thirty nor more than one hundred and twenty days, or both.

Section 19. Section 75.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon creation of a fire protection district as provided in KRS 75.010, it shall be the duty of the county judge of the county in which the greater part of the district is located to apoint three trustees, who shall constitute the Board of Trustees of the fire protection district. The members shall be appointed for terms of one, two and three years respectively. On the expiration of the respective terms, the successors to each shall be appointed for a term of three years. In the event of a vacancy in any term, and there are two remaining trustees, the remaining trustees shall elect a trustee to fill such vacancy. If there are less than two trustees remaining the county judge shall fill such vacancies.

(2) Such trustees shall elect from their number a chairman, a secretary and a treasurer, the latter of whom shall give bond in such amount as shall be determined by the county judge of the county in which the greater part of the fire protection district is located, conditioned upon the faithful discharge of the duties of his office, and the faithful accounting for all funds which may come into his possession as such Treasurer. The premiums on such bonds shall be paid out of the funds of the district.

Section 20. Section 75.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon the creation of a fire protection district as provided in KRS 75.010 to 75.030 the trustees of such district are hereby authorized to establish and operate a fire department in such district and to levy a tax, upon the property in said district, subject to county tax, and not exceeding ten cents per one hundred dollars of valuation as assessed for county taxes, for the purpose of defraying the expenses of such establishment, maintenance and operation of said fire department or to make contracts for fire protection for such district as provided in KRS 75.050.

(2) The county tax commissioner of the county or counties involved, with the co-operation of the Board of Trustees, shall note on the tax rolls the taxpayers and valuation of the property subject to such assessment. The county clerk shall compute the tax on the regular state and county tax bills in such manner as may be directed by regulation of the Department of Revenue.

(3) Such taxes shall be subject to the same delinquency date, discounts, penalties and interest as are applied to the collection of ad valorem taxes and shall be collected by the sheriff of the county or counties involved and accounted for to the treasurer of the district. The sheriff shall be entitled to a fee of one percent of the amount collected by him.

Section 21. Section 75.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) A municipal or fire protection district fire department an-

swering any fire alarms or performing fire prevention services outside of the corporate limits of its municipality or fire protection district shall be considered an agent of the Commonwealth of Kentucky, and acting solely and alone in a governmental capacity, and such municipality or fire protection district shall not be liable in damages for any omission or act of commission or negligence while answering or returning from any fire or reported fire, or doing or performing any fire prevention work under and by virtue of KRS 75.010 to 75.060.

(2) No municipal or fire protection district fire department answering any fire alarms or performing fire prevention services inside the corporate limits of the district shall be liable in damages for any omission or act of commission or negligence while answering or returning from any fire or reported fire, or doing or performing any fire prevention work under and by virtue of this chapter and said fire departments shall be considered agents of the Commonwealth of Kentucky, and acting solely and alone in a governmental capacity.

Section 22. Whereas, fire protection districts will be required to needlessly expend their funds on impending elections of trustees and are further hindered in carrying out the purposes of this Act, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

HB 476: AN ACT relating to the mining of clay.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created to read as follows:

It is the intent of the General Assembly that all the provisions of KRS Chapter 350, unless the context otherwise requires, concerning the strip mining of coal be extended to and shall apply to the strip mining of clay.

HB 478: AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 136.190 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The superintendent of schools in each district in which any individual, group of individuals or corporation, operates public utility or franchise taxpaying property assessed under KRS 136.120 shall, on or before the first day of January, 1957, furnish to the franchise taxpayer, county clerk of the county in which the district is situated and to the Department of Revenue the boundary of his school district. The superintendent of schools in each district in which any franchise-paying corporation, individual, or group of individuals operates shall, on or before the first day of January, 1958, and each year thereafter,

furnish to the franchise taxpayer, county clerk and to the Department of Revenue any changes made in the boundary of his school district during the immediate preceding twelve months.

(2) The engineer of cities of the first class and the city clerk of cities of the second, third, fourth, fifth, and sixth classes shall notify the franchise taxpayer, county clerk and the Department of Revenue of their boundaries in the same manner as required of the superintendent of schools in Section (1).

(3) The responsible governing official or the chairman of the governing body of any taxing district other than the county, school district, or city shall notify the franchise taxpayer, county clerk and the Department of Revenue of their boundaries in the same manner as required of the superintendent of schools in Section (1).

HB 479: AN ACT relating to tax on use of gasoline.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.655 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 138.650 to 138.725 and 138.990 (21) and (22) unless the context requires otherwise:

(1) "Department" means Department of Revenue

(2) "Certificate" means the certificate of public convenience and necessity as defined in KRS 281.010 (3).

(3) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause describing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to a corporation the officers thereof.

(4) "Public Highway" means every way or place generally open to the use of the public for the purpose of vehicular travel notwithstanding that it may be temporarily closed or travel thereon restricted for the purpose of maintaining repair or reconstruction.

(5) "Motor Carrier" means every person who operates or causes to be operated on any highway in this state any motor vehicle, trailer, or semi-trailer, of a gross weight of not less than 18,001 pounds, engaged in the transportation of persons or property in either private or for-hire carriage in interstate commerce in this state, or who purchases fuel without this state for consumption in this state in intrastate commerce. The term "motor carrier" shall include every common and contract carrier possessing authority as such from the Interstate Commerce Commission together with those engaged in transporting in interstate commerce in this state commodities not regulated by the Interstate Commerce Commission. The term "motor carrier" shall not mean or shall not include any person operating or causing to be operated a city bus except city buses operated across the border of the State of Kentucky.

(6) "City Bus" means any motor vehicle used for the transportation or persons for hire exclusively within the limits of any city or within ten miles of its limits over a regular route and exclusively within the boundaries of this state.

(7) "Use" means the consumption of gasoline in propelling motor vehicles on the public highways.

(8) "Gasoline" means gasoline as defined in KRS 138.210 (4).

(9) "Period" means every three calendar months beginning July 1, 1956.

Section 2. Section 138.675 of the Kentucky Revised Statutes is amended to read as follows:

(1) If a motor carrier at any time files a false quarterly return or fails or refuses to file a quarterly return or to pay the full amount of the tax or violates any other provisions of KRS 138.650 to 138.725 without a showing that such failure was due to reasonable cause and not willful neglect, the Department of Revenue may cancel the license of the motor carrier and suspend its privilige of using gasoline on the public highways of this state.

(2) Upon voluntary surrender of the license or upon receipt of a written request by a motor carrier, the department shall cancel its license effective sixty days from the date of the request, but no such license shall be canceled upon surrender or request unless the motor carrier has prior to the date of cancellation paid to the state all taxes, penalties, interest, and fines that are due or have accrued, and unless the motor carrier has surrendered to the department its license.

(3) If upon investigation the department ascertains that any motor carrier to whom a license has been issued is no longer engaged as such and has not been so engaged for a period of six months, the department may cancel such license by giving the motor carrier sixty days' notice of cancellation mailed to his last known address in which event the license shall be surrendered to the department.

(4) Whenever a motor carrier ceases to engage in business as such within this state, it shall notify the department in writing within fifteen days after the discontinuance. All taxes that have accrued as a result of the motor carrier's operations, whether or not then due, shall become due and payable concurrently with such discontinuance. The motor carrier shall make a return and pay all such taxes and any interest and penalties thereon, and shall surrender to the department its license.

(5) If the license of a motor carrier is canceled by the department as provided in this section and if the motor carrier has paid to this state all of the taxes, interest, and penalties due under KRS 138.650 to 138.725 and 138.990 (21) and (22), the department shall cause the bond filed by the motor carrier to be canceled.

Section 3. Section 138.685 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every motor carrier shall file with the Department of Revenue on forms prescribed by the department a quarterly tax return. The return shall be made under penalty of perjury and shall show with reference to all locations at which gasoline is used the following information: the number of miles the motor carrier operated in this state and the total number of miles operated, the number of gallons of gasoline used and the number of gallons used in this state, the number of gallons purchased in this state and the total number of gallons purchased and used, the vendor from whom purchased, the number of gallons on which cerdit is claimed, or such other information as the department may require. The motor carrier shall file the return on or before the last day of the next succeding calendar month following the period to which it relates.

(2) The quarterly tax return shall be accompanied by a remittance in full of the tax due.

Section 4. Section 138.710 of the Kentucky Revised Statutes is amended to read as follows:

The returns required by KRS 138.685 shall be accompanied by a certified or cashier's check payable to the State Treasurer for the amount of tax due for the preceding quarter computed as provided in KRS 138.690, except that the department may waive this requirement and accept the check of a motor carrier if the said motor carrier is of sound financial condition and has established a good record of compliance with the requirements of KRS 138.650 to 138.725.

Section 5. Section 138.715 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any motor carrier gasoline user neglects or refuses to make the return or pay the tax at the time provided in KRS 138.685, a penalty of 20 per cent of the tax and interest of 6 per cent per annum from the due date of the tax on both the tax and the penalty shall be paid.

(2) If any motor carrier subject to the penalty provided in subsection (1) of this section submits to the department in writing the reasons for failure to comply with KRS 138.650 to 138.725 and if the department finds the reason sufficient evidence to justify modifying the penalty provided in sub-section (1) of this section, it may modify the penalty enacted therein to 5 percent of the amount of tax due and delinquent, provided the 5 per cent penalty may be reduced to a one percent penalty if the violation is the first violation by the tax payer within the preceding twelve months.

(3) If the penalty provided by this section is collected by proceedings in court, an additional penalty of 20 per cent shall be collected and distributed as authorized by KRS 134.400. Whenever any motor carrier neglects or refuses to make and file any return for any quarter as required by KRS 138.685, or files an incorrect or fradulent return, the department shall determine after an investigation the number of

gallons of gasoline with respect to which the motor carrier has incurred liability under KRS 138.660 and 138.690 for any particular quarter and assess and collect the amount of tax and penalties due.

(4) Any motor carrier who fails to make any return required under the provisions of KRS 138.650 to 138.725 within the time allowed may be required to pay a penalty of $10 to be assessed and collected in the manner provided for the assessment and collection of taxes, or may be proceeded against in a civil action instigated by the department. In addition, such delinquent motor carrier may be compelled to make the required return.

(5) In any action for the collection of gasoline use taxes and any penalties or interest imposed in connection therewith, an assessment by the department of the amount of tax due and the interest or penalties due to the state shall constitute prima facie evidence of the claim of the state and the burden of proof shall be on the motor carrier to show the assessment was incorrect or contrary to law.

Section 6. Subsection (21) of Section 138.990 of the Kentucky Revised Statutes is amended to read as follows:

(21) Any person violating any provision of KRS 138.650 to KRS 138.725 is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than nineteen dollars nor more than five hundred dollars or by imprisonment in the county jail for not less than ten days nor more than six months or by both such fine and imprisonment.

Section 7. This Act shall become effective July 1, 1956.

HB 480: AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 133.040 is hereby amended to read as follows:

The county tax commissioner shall complete the tax roll of all property in his county before May 1 of each year, in accordance with law, and on or before that date he shall file with the Department of Revenue, on blanks to be forwarded by the department, a recapitulation of all property assessed on said tax roll with his official certificate attached thereto. Such recapitulation shall show the assessment of property by types of property and by taxing districts. The tax commissioner shall file with the Department of Revenue at the same time the schedules containing a list of the intangible personal property. Within two weeks after receiving the recapitulation and schedules, the Department of Revenue shall direct the tax commissioner to make the changes that are necessary to correct the assessment. After the tax commissioner has made the necessary correction in assessment and records thereof, he shall return such intangible schedules to the Department of Revenue; and it shall preserve such schedules or a photographic facsimile thereof for a period of twelve years from the assessment date.

HB 481: AN ACT relating to school districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Authority to Secure Bids. The Superintendent of Public Instruction, as executive officer of the State Board of Education, is hereby authorized to secure sealed bids and make bid contracts for school buses as defined in Section 3 of this Act. The bid contracts shall be for school buses to be used by any school district board of education.

Section 2. Plan for Securing Bids. The plan for securing bids shall be as follows:

(1) On the request of five or more district boards of education, sealed bids may be secured for immediate purchase of buses to supply the needs of the districts. These bids shall be valid for awarding bid contracts for not more than forty-five days after the opening of the bids. Any board of education, in addition to those making the original request for bids, shall be eligible to secure buses at the bid contract price if they make an application to the Superintendent of Public Instruction within the forty-five day valid period.

(2) At intervals to be determined by the Superintendent of Public Instruction, sealed bids may be secured and bid contracts awarded which shall be valid for more than forty-five days. When such bids are taken, the length of time for which the bid contracts shall be valid shall be determined.

Section 3. "School Bus" defined. The term "school bus" wherever it appears in the Kentucky Revised Statutes shall mean any motor vehicle which meets the standards and specifications for school buses as provided by law or by the standards or specifications of the State Board of Education authorized by law and used solely in transporting school children and school employees to and from school under the supervision and control and at the direction of school authorities. As used in this Section, the term "school bus" shall include, in addition to the above statement of definition, chassis or body or any equipment or supplies to be used in connection with the maintenance and operation of school busses.

Section 4. Procedures in Taking Bids. All school buses for which bids are made or bid contracts awarded shall meet the standards and specifications of the State Board of Education. Under the rules and regulations of the State Board of Education, the Superintendent of Public Instruction is hereby authorized to:

(1) Determine specific times at which bids shall be taken and the length of time for which bid contracts shall remain in force and effect.

(2) Recommend for approval of the State Board of Education rules and regulations for taking bids and awarding bid contracts.

(3) Reject any and all bids.

(4) Prepare bid forms, bid contract forms and such other forms, information or publications as may be found to be necessary for putting into effect the laws governing securing bids and awarding bid contracts.

Section 5. Bids by Boards of Education. Any board of education may take bids on school buses which meet the specifications of the State Board of Education for school buses, but for which no bid contracts have been awarded by the State Board of Education, provided the Superintendent of Public Instruction approves the purchase contract as meeting specifications of the State Board of Education. No board of education shall purchase school buses for which bid contracts have been awarded by the State Board of Education except at a lower price than the state bid contract price and on approval of the Superintendent of Public Instruction. In such case, the lower price secured by the board shall automatically become the state bid contract price for the remainder of time for which bid contracts have been awarded by authority of Section 2 (2) of this Act.

Section 6. Application of a District Board of Education. Any district board of education, through its executive officer the superintendent, may secure school buses in accordance with the terms of paragraph (2) by making application to the Superintendent of Public Instruction on forms to be furnished by him and to be approved by the State Board of Education. Provisions of Sections 42.060 and 42.070, KRS, shall not apply to the bid contracts for school buses awarded by authority of this Act.

HB 482: AN ACT relating to the Rehabilitation of the Handicapped.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. In enacting this legislation it is the intention of the General Assembly of Kentucky to provide for and improve the rehabilitation of the physically and mentally handicapped citizens of the Commonwealth of Kentucky in order that they may increase their social and economic well-being, and the productive capacity of the Commonwealth and Nation.

Section II. The Superintendent of Public Instruction is hereby authorized to establish within the Department of Education a State Rehabilitation Agency. This Agency shall have such powers and duties as contained in this Act and such other functions as may be established by regulation of the State Board of Education.

Section III. Rehabilitation services shall be provided directly or through public or private instrumentalities to any handicapped individual (1) who is a citizen of the Commonwealth at the time of filing his application therefor, and whose rehabilitation the State Rehabilitation Agency determines after full investigation can be satisfactorily achieved, or (2) who is eligible therefor under the terms of an agreement with another state or with the federal government.

Section IV. The State Board of Education, upon recommendation of the Superintendent of Public Instruction, shall prescribe rules and regulations governing the services, personnel, and administration of the State Rehabilitation Agency; may enter into reciprocal agreements with other states to provide for the rehabilitation of residents of the states concerned; may establish and supervise the operation of vending stands operated by the blind, and vending stands and other small businesses established pursuant to this Act to be conducted by severely handicapped persons.

Section V. The State Rehabilitation Agency in the Department of Education, with the approval of the Superintendent of Public Instruction and the State Board of Educations, is authorized to establish a business enterprise program for the blind. In connection therewith, the State Rehabilitation Agency shall be authorized to own, lease, manage, supervise and operate vending stands and other business enterprises for the use or benefit of blind persons in federal, state, private and other buildings.

Section VI. This State accepts and agrees to comply with all the provisions of the Acts of Congress of the United States approved June 2, 1920 (41stat. 735) relating to Rehabilitation and all subsequent acts pertaining to Rehabilitation enacted prior to January 1, 1956. The Governor of the Commonwealth may, by executive order, accept such Acts of Congress enacted subsequent to January 1, 1956, as may be deemed desirable and necessary.

Section VII. The State Treasurer is hereby designated as the custodian of all funds. The State Treasurer shall make disbursements for rehabilitation purposes upon certification by the Superintendent of Public Instruction.

Section VIII. The Superintendent of Public Instruction is hereby authorized and empowered (with approval of the State Board of Education) to accept and use gifts made by will or otherwise for carrying out the purposes of this Act.

Gifts made under such conditions as in the judgment of the Superintendent of Public Instruction are proper and consistent with the provisions of this Act may be so accepted and shall be held, invested, reinvested, and used in accordance with the provisions of this Act.

Section IX. Section 163.035 of the Kentucky Revised Statutes is hereby repealed.

HB 483: AN ACT relating to school districts

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.560 of the Kentucky Revised Statutes is amended to read as follows:

Section 1. Each board of education shall elect a treasurer for the board. The board may elect its secretary to serve as treasurer. The board may remove the treasurer from office at any time for cause by a vote of three members of the board.

Section 2. The treasurer shall execute an official bond for the faithful performance of the duties of his office, to be approved by the local board and the State Board of Education. The bond shall be guaranteed by a surety company authorized to do business in this state, and shall be in an amount determined by the board of education in accordance with the rules and regulations of the State Board of Education. The premium on the bond shall be paid by the board of education. A copy of the bond shall be filed with the board of education and with the State Board of Education. All treasurer's bond forms shall be prepared by the Superintendent of Public Instruction and approved by the State Board of Education.

Section 3. The treasurer shall receive all moneys to which the board is entitled by the Constitution or by the statutes, except as otherwise provided by law, or which may in any way come into its possession, and deposit such funds in the properly designated depository. He shall withdraw such funds from the depository only upon proper order of the board. He shall keep a full and complete account of all funds in such manner and make such reports concerning them as is required by the board of education or by the State Board of Education. He shall preserve all records relating to the transactions and duties of the office and turn them over to his successor along with all public funds in his hands and all accounts and records after due and proper audit is made by a competent outside agent when he is required to do so by the board of education.

Section 4. The treasurer shall issue his check on the depository for payment of all legal claims which have been authorized for payment in accordance with rules and regulations previously adopted by the local board of education and approved by the State Board of Education.

HB 484: AN ACT to prohibit leaving of infant children unattended.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. No parent or other person having charge and custody of, or who has been placed in charge of, or who has been employed to take

charge of and attended any child under the age of eight years, shall leave or abandon such child unattended in any building unless and until some other qualified person shall have been placed in charge and custody of such child and shall have assumed such charge and custody.

2. Abandonment or leaving shall mean leaving the premises and lot whereon such building may be located, or any distance greater than three hundred feet from such building.

3. No person shall be considered qualified and capable of taking charge and custody of any child under the age of eight years who is not a responsible person of good character and judgment, and who has not attained the age of fourteen years.

4. Any person who violates any of the provisions of section one of this act shall, upon conviction thereof, be fined not less than ten dollars nor more than fifty dollars; and upon any subsequent conviction therefor, shall be fined not less than twenty dollars nor more than one hundred dollars, or confined to the county jail for not less than one day nor more than twenty days, or both; and if the offense be in the night time shall, for the first offense, be fined not less than twenty dollars nor more than one hundred dollars; and upon any subsequent conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars, or confined to the county jail for not less than five days nor more than fifty days, or both; and if the offense be by the parent of such child to whom custody has been awarded by a court of competent jurisdiction in an action for divorce, upon conviction of such offense in the night time, such parent shall be deprived of the custody of such child upon application of any relative of such child to the circuit court, and the custody of such child shall then be awarded to such relative making application therefor, provided however, that the existence of an extreme emergency may be considered by the court in changing or as justification for the leaving of such child and deny such change in custody therefor; and provided further that no parent who has been deprived of the custody of such child in any judgment of divorce shall be deemed guilty of any offense under the provisions of KRS 435.240 if such parent shall enter the building where such child has been left unattended as provided in section one hereof when accompanied by a peace officer, and shall remove and carry away such unattended child at a time when such child is left unattended.

HB 485: AN ACT relating to motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Except when the context otherwise requires, as used in this Act:

(a) "Dealer" means a person engaged in the business of buying, selling, or exchanging vehicles who has an established place of business in this state (and to whom current dealer registration plates have been issued by the Department).

(b) "Department" means the Department of Revenue.

(c) "Identifying number" means the numbers, and letters if any, on a vehicle designated by the Department for the purpose of identifying the vehicle.

(d) "Implement of husbandry" means the vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(e) "Lienholder" means a person holding a security interest in a vehicle.

(f) To "mail" means to deposit in the United States mail properly addressed and with postage prepaid.

(g) "Owner" means a person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

(h) "Person" means a natural person, firm, co-partnership, association or corporation.

(i) "Pole trailer" means a vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as logs, poles, pipes, or structural members capable, generally, or sustaining themselves as beams between the supporting connections.

(j) "Security agreement" means a written agreement which reserves or creates a security interest.

(k) "Security interest" means an interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions.

(1) "Special mobile equipment" means a vehicle not designed for the transportation of persons or property upon a highway and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles

designed for the transportation of persons or property to which machinery has been attached.

(m) "State" means a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada.

(n) "Vehicle" means a device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

Section 2. (a) No certificate of title need be obtained for:

(1) A vehicle owned by the United States unless it is registered in this state; or vehicles owned exclusively by a county, city or board of education of the state or by the state government;

(2) A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration; or a vehicle used by a manufacturer solely for testing; properly requested and licensed common carriers of person or property;

(3) A vehicle owned by a non-resident of this state and not required by law to be registered in this state;

(4) A vehicle regularly engaged in the interstate transportation of persons or property which is properly licensed in another state;

(5) A vehicle moved solely by animal power;

(6) An implement of husbandry;

(7) Special mobile equipment;

(8) A self-propelled wheel chair or involid tricycle;

(9) A pole trailer.

(b) Part 3 of this act does not apply to:

(1) A vehicle moved solely by animal power;

(2) An implement of husbandry;

(3) Special mobile equipment;

(4) A self-propelled wheel chair or involid tricycle.

Section 3. This act does not apply to or affect:

(a) A lien given by statute or rule of law to a supplier of services or materials for the vehicle;

(b) A lien given by statute to the United States, this state, or any political subdivision of this state;

(c) A security interest in a vehicle created by a manufacturer or dealer who holds the vehicle for sale (but a buyer in the ordinary course of trade from the manufacturer or dealer takes free of the security interest).

Section 4. (a) Except as provided in Section 2, every owner of a vehicle which is in this state and for which no certificate of title has been issued by the department shall make application to the county clerk of the county in which the vehicle is ordinarily used for a certificate of title of the vehicle.

(b) The department shall not register or renew the registration of a vehicle unless an application for a certificate of title has been delivered to the department.

Section 5. The owner of an implement of husbandry or special mobile equipment may apply for and obtain a certificate of title on it. All of the provisions of this Part are applicable to a certificate of title so issued, except that a person who receives a transfer of an interest in the vehicle without knowledge of the certificate of title is not prejudiced by reason of the existence of the certificate, and the perfection of a security interest under this Act is not effective until the lienholder has complied with the provisions of applicable law which otherwise relate to the perfection of security interests in personal property.

Section 6. (a) The application for the first certificate of title of a vehicle in this state shall be made by the owner of the county clerk of the appropriate county on the form it prescribes and shall contain:

(1) The name, residence and mail address of the owner;

(2) A description of the vehicle including, so far as the following data exists: its make, model, identifying number, type of body, the number of cylinders, and whether new or used;

(3) The date of purchase by applicant, the name and address of the person from whom the vehicle was acquired and the names and addresses of any lienholders in the order of their piority and the dates of their security agreements; and

(4) Any further information the department reasonably requires to identify the vehicle and to enable it to determine whether the owner is entitled to a certificate of title and the existence or non-existence of security interests in the vehicle.

(b) If the application refers to a vehicle purchased from a dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of his security agreement and be signed by the dealer as well as the owner, and the dealer shall promptly mail or deliver the application to the county clerk of the appropriate county.

(c) If the application refers to a vehicle last previously registered in another state or country, the application shall contain or be accompanied by:

(1) Any certificate of title issued by the other state or country;

(2) Any other information and documents the department reasonably requires to establish the ownership of the vehicle and the existence or non-existence of security interests in it; and

(3) The certificate of a person authorized by the department that the identifying number of the vehicle has been inspected and found to conform to the description given in the application, or any other proof of the identity of the vehicle the department reasonably requires.

Section 7. The department, upon receiving application for a first certificate of title, shall check the identifying number of the vehicle shown in the application against the records of required to be maintained by Section 8 and against the record of stolen and converted vehicles required to be maintained by Section 31.

Section 8. (a) The department shall file each application received and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vehicle.

(b) The department shall maintain a record of all certificates of title issued by it:

(1) Under a distinctive title number assigned to the vehicle;

(2) Under the identifying number of the vehicle;

(3) Alphabetically, under the name of the owner;

and, in the discretion of the Department, in any other method it determines.

Section 9. (a) Each certificate of title issued by the department shall contain:

(1) The date issued;

(2) The name and address of the owner;

(3) The names and addresses of any lienholders in the order of priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate;

(4) The title number assigned to the vehicle;

(5) A description of the vehicle including, so far as the following data exists: its make, model, identifying number, type of body, number of cylinders, whether new or used and, if a new vehicle, the date of the first sale of the vehicle for use; and

(6) Any other data the department prescribes.

(b) Unless a bond is filed as provided in Section 11 (b), a distinctive certificate of title shall be issued for a vehicle last previously registered in another state the laws of which do not require that lienholders be named on a certificate of title to perfect their security interests. The certificate shall contain the legend. "This vehicle may be subject to an undiscolsed lien" and may contain any other information the department prescribes. If no notice of a security interest in the vehicle is received by the departmnt within four (4) months from the issuance of the distinctive certificate of title, it shall, upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form.

(c) The certificate of title shall contain forms for assignment and warranty of title by the owner, and for assignment and warranty of title by a dealer, and may contain forms for applications for a certificate of ttle by a transferee, the naming of a lienholder and the assignment or release of the security interest of a lienholder.

(d) A certificate of title issued by the department is prima facie evidence of the facts appearing on it.

(e) A certificate of title for a vehicle is not subject to garnishment, attachment, execution or other judicial process, but this subsection does not prevent a lawful levy upon the vehicle.

Section 10. The certificate of title shall be mailed to the first lienholder named in it or, if none, to the owner.

Section 11. If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the department may register the vehicle but shall either:

(a) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or

(b) As a condition of issuing a certificate of title, require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and either accompanied by the deposit of cash with the department or also executed by this state. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the department and conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of three (3) years or prior thereto if the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond.

Section 12. The department shall refuse issuance of a certificate of title if any required fee is not paid or if it has reasonable grounds to believe that:

(a) The applicant is not the owner of the vehicle;

(b) The application contains a false or fraudulent statement; or

(c) The applicant fails to furnish required information or documents or any additional information the department reasonably requires.

Section 13. (a) If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the department. The duplicate certificate of title shall contain the legend "This is a duplicate certificate and may be subject to the rights of a person under the original certificate." It shall be mailed to the first lienholder named in it, or, if none, to the owner.

(b) The department shall not issue a new certificate of title to a transferee upon application made on a duplicate until fifteen (15) days after receipt of the application.

(c) A person recovering an original certificate of title for which a duplicate has been issued shall promptly surrender the original certificate to the department.

Section 14. (a) If an owner transfers his interest in a vehicle, other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate or as the department prescribes, and cause the certificate and assignment to be delivered to the county clerk of the appropriate county for delivery to the transferee or to the department.

(b) Except as provided in Section 15, the transferee shall, promptly after delivery to him of the vehicle, execute the application for a new certificate of title in the space provided therefor on the certificate or as the department prescribes, and present the application to the county clerk of the appropriate county, who shall forward same to the department.

(c) Upon request of the owner or transferee, a lienholder in possession of the certificate of title shall, unless the transfer was a breach of his security agreement, either deliver the certificate to the transferee, who shall deliver it to the county clerk of the appropriate county for delivery to the department, or, upon receipt from the transferee of the owner's assignment, the transferee's application for a new certificate and the required fee which shall be forwarded by the county clerk to the department. The delivery of the certificate does not affect the rights of the lienholder under his security agreement.

(d) If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the lienholder, and the parties shall comply with the provisions of Section 21.

(e) Except as provided in Section 15 and as between the parties, a transfer by an owner is not effective until the provisions of this Section (and Section 17) have been complied with (however, an owner who has delivered possession of the vehicle of the transferee and has complied with the provisions of this Section (and Section 17) requiring action by him is not liable as owner for any damages thereafter resulting from operation of the vehicle).

Section 15. (a) If a dealer buys a vehicle and holds it for resale and procures the certificate of title from the owner or the lienholder within ten (10) days after delivery to him of the vehicle, he need not send the certificate to the department but, upon transferring the vehicle to another person other than by the creation of a security interest, shall promptly execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of his security agreement, in the spaces provided therefor on the certificate or as the department prescribes, and deliver the certificate to the county clerk of the appropriate county for delivery to the department with the transferee's application for a new certificate.

(b) Every dealer shall maintain for five (5) years a record in the form the department prescribes of every vehicle bought, sold or exchanged by him, or received by him for sale or exchange, which shall be open to inspection by a representative of the department or peace officer during reasonable business hours.

Section 16. (a) If the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall, except as provided in subsection (b), deliver to the county clerk of the appropriate county for delivery to the department the last certificate of title, if available, proof of the transfer, and his application for a new certificate in the form the department prescribes.

(b) If the interest of the owner is terminated or the vehicle is sold under a security agreement by a lienholder named in the certificate of title, the transferee shall promptly deliver to the county clerk of the appropriate county the last certificate of title, his application for a new certificate in the form the department prescribes, and an affidavit made by or on behalf of the lienholder that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement. If the lienholder succeeds to the interest of the owner and holds the vehicle for resale, he need not secure a new certificate of title but, upon transfer to another person, shall promptly mail or deliver to the transferee who shall present the certificate, affidavit and other documents required to be sent to the department by the transferee, to the county clerk for delivery to the department.

(c) A person holding a certificate of title whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the department upon request of the department. The delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate, and the action of the department in issuing a new certificate of title as provided herein is not conclusive upon the rights of an owner or lienholder named in the old certificate.

Section 17. (a) An application for a certificate of title shall be accompanied by the required fee when delivered to the department.

(b) An application for the naming of a lienholder or his assignee on a certificate of title shall be accompanied by the required fee when delivered to the department.

(c) A transferor of a vehicle, other than a dealer transferring a new vehicle, shall deliver to the transferee at the time of the delivery of possession of the vehicle the license plates for the vehicle.

Section 18 (a) The department, upon receipt of a properly assigned certificate of title, with an application for a new certificate of title, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner and mail it to the first lienholder named in it or, if none, to the owner.

(b) The department, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner. If the outstanding certificate of title is not delivered to it, the department shall make demand therefor from the holder thereof.

(c) The department shall file and retain for five years every surrendered certificate of title, the file to be maintained so as to permit the tracing of title of the vehicle designated therein.

Section 19. An owner who scraps, dismantles or destroys a vehicle and a person who purchases a vehicle as scrap or to be dismantled or destroyed shall immediately cause the certificate of title to be mailed or delivered to the department for cancellation. A certificate of title of the vehicle shall not again be issued except upon application containing the information the department requires, accompanied by a certificate of inspection in the form and content specified in Section 6 (c) (3).

Section 20. (a) Unless excepted by Section 3, a security interest in a vehicle of a type for which a certificate of title is required is not valid against creditors of the owner or subsequent transferees or lienholders of the vehicle unless perfected as provided in this Act.

(b) A security interest is perfected by the delivery to the county clerk of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the date of his security agreement and the required fee. It is perfected as of the time of its creation if the delivery is completed within ten days thereafter, otherwise as of the time of the delivery.

(c) If a vehicle is subject to a security interest when brought into this state, the validity of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest attached, subject to the following:

(1) If the parties understood at the time the security interest attached that the vehicle would be kept in this state and it was brought

into this state within thirty days thereafter for purposes other than transportation through this sate, the validity of the security interest in this state is determined by the law of this state.

(2) If the security interest was perfected under the law of the jurisdiction where the vehicle was when the security interest attached, the following rules apply:

(a) If the name of the lienholder is shown on an existing certificate of title issued by that jurisdiction, his security interest continues perfected in this state.

(b) If the name of the lienholder is not shown on an existing certificate of title issued by that jurisdiction, the security interest continues perfected in this state for four months after a first certificate of title of the vehicle is issued in this state, and also, thereafter if, within the four months period, it is perfected in this state. The security interest may also be perfected in this state after the expiration of the four month period; in that case perfection dates from the time of perfection in this state.

(3) If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest attached, it may be perfected in this state; in that case, perfection dates from the time of perfection in this state.

(4) A security interest may be perfected under paragraph (2) (b) or paragraph (3) of this subsection either as provided in subsection (b) or by the lienholder delivering the department a notice of security interest in the form the department prescribes and the required fee.

Section 21. If an owner creates a security interest in a vehicle:

(a) The owner shall immediately execute the application, in the space provided therefor on the certificate of title or on a separate form the department prescribes, to name the lienholder on the certificate, showing the name and address of the lienholder and the date of his security agreement, and cause the certificate, application and the required fee to be delivered to the lienholder.

(b) The lienholder shall immediately cause the certificate, application and the required fee to be delivered to the county clerk.

(c) Upon request of the owner or subordinate lienholder, a lienholder in possession of the certificate of title shall either mail or deliver the certificate to the subordinate lienholder for delivery to the county clerk for delivery to the department or, upon receipt from the subordinate lienholder the owner's application and the required fee (and registration card), deliver them to the county clerk for delivery to the department with the certificate. The delivery of the certificate does not affect the rights of the first lienholder under his security agreement.

(d) Upon receipt of the certificate of title, application and the required fee (and registration card), the department shall either endorse on the certificate or issue a new certificate containing the name and address of the new lienholder, and mail the certificate to the first lienholder named in it.

Section 22. (a) A lienholder may assign, absolutely or otherwise, his security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until the assignee is named as lienholder on the certificate.

(b) The assignee may, but need not to perfect the assignment, have the certificate of title endorsed or issued with the assignee named as lienholder, upon delivering to the department the certificate and an assignment by the lienholder named in the certificate in the form the department prescribes.

Section 23. (a) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of the lienholder, he shall, within ten days after demand and, in any event, within thirty days, execute a release of his security interest, in the space provided therefor on the certificate or as the department prescribes, and mail or deliver the certificate and release to the next lienholder named therein, or, if none, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. The owner, other than a dealer holding a vehicle for resale, shall promptly cause the certificate and release to be delivered to the county clerk, who shall so advise the department on prescribed forms.

(b) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall within ten days after demand and, in any event, within thirty days execute a release in the form the department prescribes and deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. The lienholder in possession of the certificate of title shall either deliver the certificate to the owner, or the person authorized by him, for delivery to the department, or, upon receipt of the release (and registration card), mail or deliver it (them) with the certificate to the department, which shall release the subordinate lienholder's rights on the certificate or issue a new certificate.

Section 24.A lienholder named in a certificate of title shall, upon written request of the owner or of another lienholder named on the certificate, disclose any pertinent information as to his security agreement and the indebtedness secured by it.

Section 25. (a) The department shall suspend or revoke a certificate of title, upon notice and reasonable opportunity to be heard in accordance with Section 28, when authorized by any other provision of law or if it finds:

(1) The certificate of title was fraudulently procured or erroneously issued, or

(2)The vehicle has been scrapped, dismantled or destroyed,

(b) Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.

(c) When the department suspends or revokes a certificate of title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the department.

(d) The department may seize and impound any certificate of title which has been suspended or revoked.

Section 26. (a) The department shall be paid the following fees:

(1) For filing an application for a first certificate of title, $1.00. The county clerk shall retain fifty cents for his fee.

(2) For each security interest noted upon a certificate of title, $25.

(3) For a certificate of title after a transfer, $2.00. The county clerk shall retain fifty cents for his fee.

(4) For each assignment of a security interest noted upon a certificate of title, $1.00. The county clerk shall retain twenty-five cents for his fee.

(5) For a duplicate certificate of ttle, $.50. The county clerk shall retain twenty-five cents for his fee.

(6) For an ordinary certificate of title issued upon surrender of a distinctive certificate, $.50. The county clerk shall retain twenty-five cents for his fee.

(7) For filing a notice of security interest, $.50. The county clerk shall retain twenty-five cents for his fee.

(8) For a certificate of search of its records for each name or identifying number searched against, $1.00. The county clerk shall retain twenty-five cents for his fee.

(9) For each release of security interest noted on certificate of title, $.25.

(b) If an application, certificate of title or other document required to be mailed or delivered to the department under any provision of this Act is not delivered to the department within ten days from the time it is required to be mailed or delivered, the department shall collect, as a penalty, an amount equal to the fee required for the transaction.

Section 27. (a) The department shall prescribe and provide suitable forms of applications, certificates of title, notices of security interests and all other notices and forms necessary to carry out the provisions of this Act.

(b) The department may:

(1) Make necessary investigations to procure information required to carry out the provisions of this Act;

(2) Adopt and enforce reasonable rules and regulations to carry out the provisions of this Act;

(3) Assign a new identifying number to a vehicle if it has none, or its identifying number is destroyed or obliterated, or its motor is changed, and shall either issue a new certificate of title showing the new identifying number or make an appropriate indorsement on the original certificate.

Section 28. A person aggrieved by an act or omission to act of the department under this Act is entitled, upon request, to a hearing in accordance with the provisions of KRS 131.110 to 131.125.

Section 29. A person aggrieved by an act or omission to act of the department under this Act is also entitled to a review thereof by the Franklin Circuit Court in accordance with the provisions of KRS 131.120.

Section 30. (a) A person who, with fraudulent intent:

(1) Alters, forges or counterfeits a certificate of title;

(2) Alters or forges an assignment of a certificate of title, or an assignment or release of a security interest, on a certificate of title or a form the department prescribes;

(3) Has possession of or uses a certificate of title knowing it to have been altered, forged or counterfeited; or

(4) Uses a false or fictitious name or address, or makes a material false statement, or fails to disclose a security interest, or conceals any other material fact, in an application for a certificate of title;
shall be guilty of a felony.

(b) A person who:

(1) With fraudulent intent, permits another, not entitled thereto, to use or have possession of a certificate of title;

(2) Wilfully fails to mail or deliver a certificate of title or application therefor to the department within ten days after the time required by this Act;

(3) Wilfully fails to deliver to his transferee a certificate of title within ten days after the time required by this Act; or

(4) Wilfully violates any other provision of this Act, except as provided in subsection (a);
shall be guilty of a misdemeanor.

Section 31. (a) A peace officer who learns of the theft of a vehicle not since recovered, or of the recovery of a vehicle whose theft or conversion he knows or has reason to believe has been reported to the department, shall forwith report the theft or recovery to the department.

(b) An owner or a lienholder may report the theft of a vehicle, or its conversion if a crime, to the department, but the department may disregard the report of a conversion unless a warrant has been issued for the arrest of a person charged with the conversion. A person who has so reported the theft or conversion of a vehicle shall, forthwith after learning of its recovery, report the recovery to the department.

(c) An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, in which a vehicle remains unclaimed for a period of thirty days, shall, within five days after the expiration of that period, report the vehicle as unclaimed to the department, said report to be on form prescribed by the department. A vehicle left by its owner whose name and address are known to the operator or his employe is not considered unclaimed. A person who fails to report a vehicle as unclaimed in accordance with this subsection forfeits all claims and liens for its garaging, parking or storing and is guilty of a misdemeanor punishable by a fine of not more than twenty-five dollars for each day his failure to report continues.

(d) The department shall maintain and appropriately index weekly and cumulative public records of stolen, converted, recovered and unclaimed vehicles reported to it pursuant to this Section. The department may make and distribute copies of the weekly records so maintained to peace officers upon request without fee and to others for the fee, if any, the department prescribes.

(e) The department may suspend the registration of a vehicle whose theft or conversion is reported to it pursuant to this section until the department learns of its recovery or that the report of its theft or conversion was erroneous, it shall not issue a certificate of title for the vehicle.

Section 32. A person who knowingly makes a false report of the theft or conversion of a vehicle to a peace officer or to the department is guilty of a misdemeanor.

Section 33. (a) A person who wilfully removes or falsifies an identification number of a vehicle or an engine for a vehicle is guilty of a misdemeanor.

(b) A person who, wilfully and with intent to conceal or misrepresent the identity of a vehicle or engine, removes or falsifies an identification number of the vehicle or engine, is guilty of a felony.

(c) A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, knowing that an identification number of the vehicle or engine has been removed or falsified, is guilty of a midsdemeanor.

(d) A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, knowing that an identification number of the vehicle or engine has been removed or falsified and with intent to conceal or misrepresent the identity of the vehicle or engine, is guilty of a felony.

(e) A person who removes a license plate from a vehicle or affixes to a vehicle a license plate not authorized by law for use on it, in either case with intent to conceal or misrepresent the identity of the vehicle or its owner, is guilty of a misdemeanor.

(f) As used in this section:

(1) "Identification number" includes an identifying number, serial number, engine number or other distinguishing number or mark, placed on a vehicle or engine by its manufacturer or by authority of the department or in accordance with the laws of another state or country;

(2) "Remove" includes deface, cover and destroy;

(3) "Falsify" includes alter and forge.

(g) An identification number may be placed on a vehicle or engine by its manufacturer in the regular course of business or placed or restored on a vehicle or engine by authority of the department without violating this section; an identification number so placed or restored is not falsified.

Section 34. In a prosecution for a crime specified in this Act, evidence that the defendant has committed a prior act or acts of the same kind is admissible to prove criminal intent or knowledge.

Section 35. A person who, whether present or absent, aids, abets, induces, procures or causes the commission of an act which, if done directly by him, would be a felony or a misdemeanor under a provision of this Act, is guilty of the same felony or misdemeanor.

Section 36. Unless another penalty is provided in this Act:

(a) A person convicted of a felony for the violation of a provision of this Act is punishable by a fine of not less than five hundred dollars nor more than five thousand dollars, or by imprisonment for not less than one year nor more than five years, or by both such fine and imprisonment;

(b) A person convicted of a misdemeanor for the violation of a provision of this Act is punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

Section 37. The penal provisions of this Act in no way repeal or modify any existing provision of criminal law but are additional and supplementary thereto.

Section 38. (a) No person shall, except as an incident to the sale or servicing of vehicles, carry on or conduct the business of:

(1) Selling used parts of or used accessories for vehicles;

(2) Wrecking or dismantling vehicles for resale of the parts thereof; or

(3) Rebuilding wrecked or dismantled vehicles; unless licensed to do so by the department under this section.

(b) Application for a license shall be made on the form the department prescribes, containing the name of the applicant, the address or addresses where business is to be conducted, the kind or kinds of business, enumerated in subsection (a), to be conducted, the residence address of the applicant if an individual, the names and residence addresses of the partners of the applicant if a partnership, the names and residence addresses of the principal officers of the applicant and the state of its incorporation if a corporation, and any other information the department requires. The application shall be verified by the oath or affirmation of the applicant or, if the applicant is a partnership or a corporation, by a partner or officer of the applicant and shall be accompanied by a fee of twenty-five dollars for each place of business of the applicant.

(c) The department shall file each application received by it with the required fee and, when satisfied that the applicant, if an individual, or each of the partners or principal officers of the applicant, if a partnership or corporation, is of good moral character and, that the applicant, so far as can be ascertained, has complied and will comply with the provisions of this section and the laws of the state relating to registration of and certificates of title of vehicles, shall issue to the applicant a license to carry on and conduct the kind or kinds of business, enumerated in subsection (a), specified in the application at the address or addresses therein specified, until the December 31st next following the date on or as of which the license is issued.

(d) The department shall suspend or revoke a license, upon notice and reasonable opportunity to be heard in accordance with Section 28, when so authorized under any other provision of law or if it finds:

(1) The license was fraudulently procured or erroneously issued;

(2) The applicant, or any partner or principal officer of the applicant, if a partnership or a corporation, has failed to comply with the provisions of this Section and the laws of the state relating to registration of and certificates of title of vehicles.

(e) Every licensee shall maintain for three years, in the form the department prescribes, a record of:

(1) Every vehicle or used part, accessory, body, chassis or engine of or for a vehicle received or acquired by him, its description and identifying number, the date of its receipt or acquisition, and the name and address of the person from whom received or acquired;

(2) Every vehicle or vehicle body, chassis or engine disposed of by him, its description and identifying number, the date of its disposition, and the name and address of the person to whom disposed of; and

(3) Every vehicle wrecked or dismantled by him, and the date of its wrecking or dismantling.
Every such record shall be open to inspection by any representative of the department or peace officer during reasonable business hours.

Section 39. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 40. This Act may be cited as the Uniform Motor Vehicle Certificate of Title and Anti-Theft Act.

Section 41. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 42. This Act shall take effect January 1, 1957.

Section 43. A "previously registered vehicle" means a vehicle registered in this state when this Act takes effect or a vehicle whose last registration before this Act takes effect was in this state.

Section 44. Part 2 of this Act does not apply to a previously registered vehicle until:

(a) It is purchased from a dealer in this state after this Act takes effect;

(b) The department issues a certificate of title for the vehicle; or

(c) Three years elapse from the date this Act takes effect.

Section 45. If the department is not satisfied that there are no undisclosed security interests, created before this Act takes effect, in a previously registered vehicle, it may, in addition to its options under Section 11, issue a distinctive certificate of title of the vehicle containing the legend "This vehicle may be subject to an undisclosed lien" and any other information the department prescribes.

Section 46. A security interest in a previously registered vehicle for which no certificate of title or application for a certificate is required is perfected by the delivery to the department of a notice of security interest in the form the department prescribes and the required fee. It is perfected as of the time of its creation if the delivery is completed within ten days thereafter, otherwise, as of the time of delivery. A notice of a security interest created or reserved before this Act takes effect need be executed by the lienholder only.

Section 47. If a security interest in a previously registered vehicle is perfected under any other applicable law of this state at the time this Act takes effect, the security interest continues perfected:

(a) Until its perfection lapses under the law under which it was perfected; or

(b) Until the earlier lapse of two years and nine months from the date this Act takes effect; and

(c) Thereafter if previously perfected under Section 46.

Section 48. (a) The department shall file each notice of security interest received by it with the required fee and maintain a record of all notices of security interests filed by it:

(1) Alphabetically, under the name of the owner;

(2) Under the identifying number of the vehicle; and

(3) In the discretion of the department, in any other method it determines.

(b) The department need not maintain, in the record provided for in subsection (a) , any reference to a security interest in a previously registered vehicle after the department files a notice of release of the security interest or issues a certificate of title of the vehicle containing the name of the lienholder.

(c) The department, before issuing or reissuing a certificate of title, shall check the name of the owner and the identifying number of the vehicle against the record provided for in subsection (a).

Section 49. (a) A lienholder may assign, absolutely or otherwise, his security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until an assignment by the lienholder is delivered to the department as provided in subsection (b).

(b) The assignee may, but need not be to perfect the assignment, deliver to the department an assignment by the lienholder in the form the department prescribes with the required fee.

(c) The department shall file each assignment received by it with the required fee and note the assignee as lienholder upon the record of notices of security interests maintained by the department pursuant to Section 48.

Section 50. (a) If the security interest of a lienholder named in a notice of security interest filed by the department is satisfied, he shall, within ten days after demand or, in any event, within thirty days, execute a release of the security interest in the form the department prescribes and mail or deliver the release to the department.

(b) Upon receipt of the release of security interest the department shall file the release and note it upon the record of notices of security interests maintained by the department pursuant to Section 48.

Section 51. A lienholder named in a notice of security interest filed by the department shall, upon written request of the owner or of another lienholder, disclose any pertinent information as to his security agreement and the indebtedness secured by it.

Section 52. The department shall be paid the following fee for filing an assignment of a security interest: $.................

Section 53. Section 186.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before the owner or operator of a motor vehicle other than a motor vehicle engaged in the transportation of passengers for hire operating under a certificate of convenience and necessity, may operate it or permit its operation upon a highway, the owner shall apply for registration to the county court clerk of the county in which he resides except that if the motor vehicle is to be operated principally in a county other than the county of the owner's residence, the owner may apply for registration to the county clerk of the county in which the motor vehicle is to be principally operated. A motor vehicle last registered in another state and purchased by a person for operation in this state shall first be registered in this state
by and in the name of the purchaser and not in the name of the seller. The application shall be retained by the clerk and shall be accompanied by:

(a) A bill of sale, if the application is for the registration of a new motor vehicle; or

(b) The owner's certificate of title, if the motor vehicle was last registered in this state; or

(c) A bill of sale and previous registration receipt, if last registered in another state where the law of such state does not require the owner of a motor vehicle to obtain a certificate of title or ownership; or

(d) A certificate of title, if last registered in another state where the law of such state requires the owner of a motor vehicle to obtain a certificate of title or ownership.

After that, he shall register his motor vehicle on or before March 1 of each year. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the department.

(2) If an owner, because of sickness or absence from the state is unable to renew the registration of his motor vehicle on or before March 1, he will be deemed to have complied with the law, if before operating the motor vehicle in this state he registers it at some later date and pays the fee for the full year, just as though he had renewed the registration on or before March 1. The owner shall file with the application an affidavit showing sickness or absence.

HB 488: AN ACT relating to third class cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 85.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) The mayor shall be the chief executive officer of the city. He shall be elected by the qualified voters of the city for a term of four years, and shall enter upon the discharge of his duties on the first Monday in December next after his election, and hold office

until his successor is elected and has qualified.

(2) No person shall be eligible to the office of mayor who is not eligible to the office of councilman, except as to residence in any particular ward.

(3) The mayor shall be ineligible to serve more than two successive four-year terms.

HB 490: AN ACT relating to cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (6) of Section 84.050 of the Kentucky Revised Statutes is amended to read as follows:

Each member of the general council shall receive five dollars for any stated or called meeting of the board to which he belongs.

HB 491: AN ACT relating to trade practices.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The term "trade mark" as used herein means any word, name symbol or device or any combination thereof adopted and used by a person to identify goods made or sold by him and to distinguish them from goods made or sold by others.

(2) The term "person" as used herein means any individual, firm, partnership, corporation, association, union or other organization.

(3) The term "applicant" as used herein includes the person filing an application for registration of a trade mark under this Act, his legal representatives, successors or assigns.

(4) The term "registrant" as used herein includes the person to whom the registration of a trade mark under this Act is issued, his legal representatives, successors or assigns.

(5) For the purposes of this Act, a trade mark shall be deemed to be "used" in this state when it is placed in any manner on the goods or their containers or on the tags or labels affixed thereto and such goods are sold or otherwise distributed in this state.

Section 2. A trade mark by which the goods of any applicant for registration may be distinguished from the goods of others shall not be registered:

(1) If it consists of or comprises immoral, deceptive or scandalous matter; or

(2) If it consists of or comprises the flag or coat of arms or other insigna of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof; or

(3) If it consists of or comprises matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs or national symbols, or bring them into contempt or disrepute; or

(4) If it consists of or comprises the name, signature or portrait of any living individual, except with his written consent; or

(5) If it consists of a mark which, (a) when applied to the goods of the applicant, is merely descriptive or deceptively misdescriptive of them, or (b) when applied to the goods of the applicant is primarily geographically descriptive or deceptively misdescriptive of them, or (c) is primarily merely a surname, provided, however, that nothing in this subsection shall prevent the registration of a mark used in this state by the applicant which has become distinctive of the applicant's goods. The Secretary of State may accept as evidence that the mark has become distinctive, as applied to the applicant's goods, proof of continuous use thereof as a mark by the applicant in this state or elsewhere for the five years next preceding the date of the filing of the application for registration; or

(6) If it consists of or comprises a trade mark, which so resembles a trade mark registered in this state or a trade mark or trade name previously used in this state by another and not abandoned or cancelled, as to be likely, when applied to the goods of the applicant, to cause confusion or mistake or to deceive.

Section 3. Subject to the limitations set forth in this Act, any person who adopts and uses a trade mark in this state may file in the office of the Secretary of State, on a form to be furnished by the Secretary of State, an application for registration of that trade mark setting forth, but not limited to, the following information:

(1) The name and business address of the person applying for such registration; and, if a corporation, the state of incorporation;

(2) The goods in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods and the class in which such goods fall;

(3) The date when the trade mark was first used anywhere and the date when it was first used in this state by the applicant or his predecessor in business; and

(4) A statement that the applicant is the owner of the trade mark and that no other person has the right to use such trade mark in this state either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

Section 4. An application for registration of a trade mark shall be signed and verified by the applicant or by a member of the firm or an officer of the corporation or association applying. The application shall be accompanied by a specimen or facsimile of such trade mark in triplicate and by a filing fee of ten dollars payable to the Secretary of State.

Section 5. (1) Upon compliance by the applicant with the requirements of this Act, the Secretary of State shall cause a certificate of registration to be issued and delivered to the applicant. The certificate of registration shall be issued under the signature of the Secretary of State and the seal of the State, and it shall show the name and business address and, if a corporation, the state of incorporation, of the person claiming ownership of the trade mark, the date claimed for the first use of the trade mark anywhere and the date claimed for the first use of the trade mark in this state, the class of goods and a description of the goods on which the trade mark is used, a reproduction of the trade mark, the registration date and the term of the registration.

(2) The Secretary of State shall cause a description of such label, trade mark, word, name, symbol or device to be published once a week for three successive weeks, at the expense of the applicant in some newspaper of general circulation in this state.

(3) Any certificate of registration issued by the Secretary of State under the provisions hereof, or a copy thereof duly certified by the Secretary of State, shall be admissible in evidence as competent and sufficient proof of the registration of such trade mark in any action or judicial proceeding in any court of this state.

Section 6. (1) Registration of a trade mark hereunder shall be effective for a term of ten years from the date of registration and, upon application filed within six months prior to the expiration of such term, on a form to be furnished by the Secretary of State, the registration may be renewed for a like term. A renewal fee of five dollars, payable to the Secretary of State, shall accompany the application for renewal of the registration.

(2) A trade mark registration may be renewed for successive periods of ten years in like manner.

(3) The Secretary of State shall notify registrants of trade marks hereunder of the necessity for renewal within the year next preceding the exipration of the ten years from the date of registration by writing to the last known address of such registrants.

(4) Any registration in force on the date on which this Act shall become effective shall expire ten years from the date of the registration or one year after the effective date of this Act, whichever is later, and may be renewed by filing an application with the Secretary of State on a form furnished by him and paying the aforementioned renewal fee therefor within six months prior to the expiration of the registration.

(5) The Secretary of State shall within six months after the effective date of this Act notify all registrants of trade marks under previous Acts of the date of expiration of such registrations unless renewed in accordance with the provisions of this Act by writing to the last known address of the registrants.

Section 7. Any trade mark and its registration hereunder shall be assignable with the good will of the business in which the trade mark is used, or with that part of the good will of the business connected with the use of and symbolized by the trade mark. Assignment shall be by instruments in writing duly executed and may be recorded with the Secretary of State upon the payment of a fee of five dollars payable to the Secretary of State who, upon recording of the assignment, shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof. An assignment of any registration under this Act shall be void as against any subsequent purchaser for valuable consideration without notice unless it is recorded with the Secretary of State within three months after the date thereof or prior to such subsequent purchase.

Section 8. The Secretary of State shall keep for public examination a record of all trade marks registered or renewed under this Act.

Section 9. The Secretary of State shall cancel from the register:

(1) After one year from the effective date of this Act, all registrations under prior Acts which are more than ten years old and not renewed in accordance with this Act;

(2) Any registration concerning with the Secretary of State shall receive a voluntary request for cancellation thereof from the registrant or the assignee of record;

(3) All registrations granted under this Act and not renewed in accordance with the provisions hereof;

(4) Any registration concerning which any circuit court of the Commonwealth shall find

(a) that the registered trade mark has been abandoned,

(b) that the registrant is not the owner of the trade mark,

(c) that the registration was granted improperly,

(d) that the registration was obtained fraudulently,

(e) that the registered trade mark is so similar, as to be likely to cause confusion or mistake or to deceive, to a trade mark registered by another person in the United States Patent Office, prior to the date of the filing of the application for registration by the registrant hereunder, and not abandoned; provided, however, that should the registrant prove that he is the owner of a concurrent registration of his trade mark in the United States Patent Office covering an area including this state, the registration hereunder shall not be cancelled,

(5) when any circuit court of the Commonwealth shall order cancellation of a registration on any ground.

Section 10. The following general classes of goods are established for convenience of administration of this Act, but not to limit or extend the applicant's or registrant's rights, and a single application for registration of a trade mark may include any or all goods upon which the trade mark is actually being used comprised in a single class, but in no event shall a single application include goods upon which the trade mark is being used which fall within different classes of goods. The said classes are as follows:

1 Raw or partly prepared materials
2 Receptacles
3 Baggage, animal equipments, portfolios, and pocketbooks
4 Abrasives and polishing materials
5 Adhesives
6 Chemicals and chemical compositions
7 Cordage
8 Smokers' articles, not including tobacco products
9 Explosives, firearms, equipments, and projectiles
10 Fertilizers
11 Inks and inking materials
12 Construction materials
13 Hardware and plumbing and steam-fitting supplies
14 Metals and metal castings and forgings
15 Oils and greases
16 Paints and painters' materials
17 Tobacco products
18 Medicines and pharmaceutical preparations
19 Vehicles
20 Linoleum and oiled cloth
21 Electrical apparatus, machines, and supplies
22 Games, toys, and sporting goods
23 Cutlery, machinery, and tools and parts thereof
24 Laundry appliances and machines
25 Locks and safes
26 Measuring and scientific appliances
27 Horological instruments
28 Jewelry and precious-metal ware
29 Brooms, brushes, and dusters
30 Crockery, earthenware, and porcelain
31 Filters and refrigerators
32 Furniture and upholstery
33 Glassware
34 Heating, lighting, and ventilating apparatus
35 Belting, hose, machinery packing, and non-metallic tires
36 Musical instruments and supplies
37 Paper and stationery
38 Prints and publications
39 Clothing
40 Fancy goods, furnishings, and notions
41 Canes, parasols, and umbrellas
42 Knitted, netted and textile fabrics, and substitutes therefor
43 Thread and yarn
44 Dental, medical, and surgical appliances
45 Soft drinks and carbonated waters

46 Foods and ingredients of foods
47 Wines
48 Malt beverages and liquors
49 Distilled alcoholic liquors
50 Merchandise not otherwise classified
51 Cosmetics and toilet preparations
52 Detergents and soaps

Section 11. Any person who shall for himself, or on behalf of any other person, procure the filing or registration of any trade mark in the office of the Secretary of State under the provisions hereof, by knowingly making any false or fraudulent representation or declaration, verbally or in writing, or by any other fraudulent means, shall be liable to pay all damages sustained in consequence of such filing or registration, to be recovered by or on behalf of the party injured thereby in any circuit court of the Commonwealth,

Section 12. Subject to the provisions of section 14 hereof, any person who shall

(1) use, without the consent of the registrant, any reproduction, counterfeit, copy, or colorable imitation of a trade mark registered under this Act in connection with the sale, offering for sale, or advertising of any goods on or in connection with which such use is likely to cause confusion or mistake or to deceive as to the source of origin of such goods; or

(2) reproduce, counterfeit, copy or colorably imitate any such trade mark and apply such reproduction, counterfeit, copy or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used upon or in connection with the sale or other distribution in this state of such goods;
shall be liable to a civil action by the owner of such registered trade mark for any or all of the remedies provided in section 13 hereof, except that under subsection (2) hereof the registrant shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such trade mark is intended to be used to cause confusion or mistake or to deceive.

Section 13. (1) Any owner of a trade mark registered under this Act may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof and any court of competent jurisdiction may grant injunctions to restrain such manufacture, use, display or sale as may be by the said court deemed just and reasonable, and may require the defendants to pay to such owner all profits derived from and/or all damages suffered by reason of such wrongful manufacture, use, display or sale; and such court may also order that any such counterfeits or imitations in the possession or under the control of any defendant in such case, be delivered to an officer of the court, or to the complainant, to be destroyed.

(2) In any suit or prosecution under the provisions of this Act, the defendant may show that he was the owner of such label, trade mark, name, symbol or device prior to its being filed under the provisions of this Act and that it has been filed wrongly or without right by some other person.

(3) The enumeration of any right or remedy herein shall not affect a registrant's right to prosecute under any penal law of this state.

Section 14. Nothing herein shall adversely affect the rights or the enforcement of rights in trade marks acquired in good faith at any time at common law.

Section 15. If any provision hereof, or the application of such provision to any person or circumstances is held invalid, the remainder of this Act shall not be affected thereby.

Section 16. Sections 365.150, 365.160, 365.170, 365.180, 365.190 of the Kentucky Revised Statutes and subsection (6) of Section 365.990 of the Kentucky Revised Statutes are repealed.

Section 17. This Act shall be in force and take effect July 1, 1956, provided that as to any suit, proceeding or appeal, and for that purpose only, pending at the time this Act takes effect such repeals as are provided by Section 16 of this Act, or any other provisions of this Act contrary to the law in existence at such time, shall be deemed not to be effective until final determination of said pending suit, proceeding or appeal.

HB 492: AN ACT relating to the duration of restraints on alienation and exceptions thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 381.220, of the Kentucky Revised Statutes, is amended to read as follows:

The absolute power of alienation shall not be suspended, by any limitation or condition whatever, for a longer period than during the continuance of a life or lives in being at the creation of the estate, and twenty-one years and ten months thereafter; provided, however, (1) that a trust created by an employer as part of a stock bonus plan, pension plan, disability or death benefit plan or profit-sharing plan, for the exclusive benefit of some or all of his employees, to which contributions are made by such employer or employees, or both, for the purposes of distributing to such employees the earnings or the principal, or both earnings and principal, of the fund so held in trust, shall not be deemed to be invalid as violating the rule against perpetuities or invalid as a suspension of the power of alienation of title to property; but such a trust may continue for such time as may be necessary to accomplish the purposes for which it may be created; and (2) that the vesting of any limitation of property, whether created by the exercise of a power of appointment or in any other manner, shall not be regarded as deferred for purposes of the rule against perpetuities or regarded as a suspension of the power of alienation of title to property merely because the limitation is made to the estate of a person, or to a personal representative, or to a trustee under a will, or to take effect on the probate of a will.

HB 493: AN ACT relating to the law of the ascertainment of principal and income and apportionment of receipts and expenses among tenants and remaindermen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definition of Terms. "Principal" as used in this Act means any reality or personalty which has been so set aside or limited by the owner thereof or a person thereto legally empowered that it and any substitutions for it are eventually to be conveyed, delivered or paid to a person, while the return therefrom or use thereof or any part of such return or use is in the meantime to be taken or received by or held for accumulation for the same or another person.

"Income" as used in this Act means the return derived from principal.

"Tenant" as used in this Act means the person to whom income is presently or currently payable, or for whom it is accumulated or who is entitled to the beneficial use of the principal presently and for a time prior to its distribution.

"Remainderman" as used in this Act means the person ultimately entitled to the principal, whether named or designated by the terms of the transaction by which the principal was established or determined by operation of law.

"Trustee" as used in this Act includes the original trustee of any trust to which the principal may be subject and also any succeeding or added trustee.

Section 2. Application of the Act—Powers of Settlor. This Act shall govern the ascertainment of income and principal, and the apportionment of receipts and expenses between tenants and remaindermen, in all cases where a principal has been established with or, unless otherwise stated hereinafter, without the interposition of a trust; except that in the establishment of the principal provision may be made touching all matters covered by this Act, and the person establishing the principal may himself direct the manner of ascertainment of income and principal and the apportionment of receipts and expenses or grant discretion to the trustee or other person to do so, and such provision and direction where not otherwise contrary to law, shall control notwithstanding this Act.

Section 3. Income and Principal—Disposition. (1) All receipts of money or other property paid or delivered as rent of realty or hire of personalty or dividends on corporate shares payable other than in shares of the corporation itself, or interest on money loaned, or interest on or the rental or use value of property wrongfully withheld or tortiously damaged, or otherwise in return for the use of principal, shall be deemed income unless otherwise expressly provided in this Act.

(2) All receipts of money or other property paid or delivered as the consideration for the sale or other transfer, not a leasing or letting, of property forming a part of the principal, or as a repayment of loans, or in liquidation of the assets of a corporation, or as the proceeds of property taken on eminent domain proceedings where separate awards to tenant and the remainderman are not made, or as proceeds of insurance upon property forming a part of the principal except where such insurance has been issued for the benefit of either tenant or remainderman alone, or otherwise as a refund or replacement or change in form of principal, shall be deemed principal unless otherwise expressly provided in this Act. Any profit or loss resulting upon any change in form of principal shall enure to or fall upon principal.

(3) All income after payment of expenses properly chargeable to it shall be paid and delivered to the tenant or retained by him if already in his possession or held for accumulation where legally so directed by the terms of the transaction by which the principal was established; while the principal shall be held for ultimate distribution as determined by the terms of the transaction by which it was established or by law.

Section 4. Apportionment of Income. Whenever a tenant shall have the right to income from periodic payments, which shall include rent, interest on loans, and annuities, but shall not include dividends on corporate shares, and such right shall cease and determine by death or in any other manner at a time other than the date when such periodic payments should be paid, he or his personal representative shall be entitled to that portion of any such income next payable which amounts to the same percentage thereof as the time elapsed from the last due date of such periodic payments to and including the day of the determination of his right is of the total period during which such income would normally accrue. The remaining income shall be paid to the person next entitled to income by the terms of the transaction by which the principal was established. But no action shall be brought by the trustee or tenant to recover such apportioned income or any portion thereof until after the day on which it would have become due to the tenant but for the determination of the right of the tenant entitled thereto. The provisions of this section shall apply whether an ultimate remainderman is specifically named or not. Likewise, when the right of the first tenant accrues at a time other than the payment dates of such periodic payments, he shall only receive that portion of such income which amounts to the same percentage thereof as the time during which he has been so entitled is of the total period during which such income would normally accrue; the balance shall be a part of the principal.

Section 5. Corporate Dividends and Share Rights. (1) All dividends on shares of a corporation forming a part of the principal which are payable in the shares of the corporation shall be deemed principal. Subject to the provisions of this section, all dividends payable otherwise than in the shares of the corporation itself, including ordinary and extraordinary dividends and dividends payable in shares or other securities or obligations of corporations other than the declaring corporation, shall be deemed income. Where the trustee shall have the option of receiving a dividend either in cash or in the shares of the declaring corporation, it shall be considered as a cash dividend and deemed income, irrespective of the choice made by the trustee.

(2) All rights to subscribe to the shares or other securities on obligations of a corporation accruing on account of the ownership of shares or other securities in such corporation, and the proceeds of any sale of such rights, shall be deemed principal. All rights to subscribe to the shares or other securities or obligations of a corporation accruing on account of the ownership of shares or other securities in another corporation, and the proceeds of any sale of such rights, shall be deemed income.

(3) Where the assets of a corporation are liquidated, amounts paid upon corporate shares as cash dividends declared before such liquidation occurred or as arrears of preferred or guaranteed dividends shall be deemed income; all other amounts paid upon corporate shares on disbursements of corporate assets to the stockholders, whenever made, which are designated by the corporation as a return of capital or division of corporate property shall be deemed principal.

(4) Where a corporation succeeds another by merger, consolidation or reorganization or otherwise acquires its assets, and the corporate shares of the succeeding corporation are issued to the shareholders of the original corporation in like proportion to, or in substitution for, their share of the original corporation, the two corporations shall be considered a single corporation in applying the provisions of this section. But two corporations shall not be considered a single corporation under this section merely because one owns corporate shares or otherwise controls or directs the other.

(5) In applying this section the date when a dividend accrues to the person who is entitled to it shall be held to be the date specified by the corporation as the one on which the stockholders entitled thereto are determined, or in default thereof the date of declaration of the dividend.

Section 6. Premium and Discount Bonds. Where any part of the principal consists of bonds or other obligations for the payment of money, they shall be deemed principal at their inventory value or in default thereof at their market value at the time the principal was established, or at their cost where purchased later, regardless of their par or maturity value; and upon their respective maturities or upon their sale any loss or gain realized thereon shall fall upon or enure to the principal.

Section 7. Principal Used in Business. (1) Whenever a trustee or a tenant is authorized by the terms of the transaction by which the principal was established, or by law, to use any part of the principal in the continuance of a business which the original owner of the property comprising the principal had been carrying on, the net profits of such business attributable to such principal shall be deemed income.

(2) Where such business consists of buying and selling property, the net profits for any period shall be ascertained by deducting from the gross returns during and the inventory value of the property at the end of such period, the expenses during and the inventory value of the property at the beginning of such period.

(3) Where such business does not consist of buying and selling property, the net income shall be computed in accordance with the customary practice of such business, but not in such way as to decrease the principal.

(4) Any increase in the value of the principal used in such business shall be deemed principal, and all losses in any one calendar year, after the income from such business for that year has been exhausted, shall fall upon principal.

Section 8. Principal Comprising Animals. Where any part of the principal consists of animals employed in business, the provisions of Section 7 shall apply; and in other cases where the animals are held as a part of the principal partly or wholly because of the offspring or increase which they are expected to produce, all offspring or increase shall be deemed principal to the extent necessary to maintain the original number of such animals and the remainder shall be deemed income; and in all other cases such offspring or increase shall be deemed income.

Section 9. Disposition of Natural Resources. Where any part of the principal consists of property in lands from which may be taken timber, minerals, oils, gas or other natural resources and the trustee or tenant is authorized by law or by the terms of the transaction by which the principal was established to sell, lease or otherwise develop such natural resources, and no provision is made for the disposition of the net proceeds thereof after the payment of expenses and carrying charges on such property, such proceeds, if received as rent on a lease, shall be deemed income, but if received as consideration, whether as royalties or otherwise, for the permanent severance of such natural resources from the lands, shall be deemed principal to be invested to produce income. Nothing in this section shall be construed to abrogate or extend any right which may otherwise have accrued by law to a tenant to develop or work such natural resources for his own benefit.

Section 10. Principal Subject to Depeletion. Where any part of the principal consists of property subject to depletion, such as leaseholds, patents, copyrights and royalty rights, and the trustee or tenant in possession is not under duty to change the form of the investment of the principal, the full amount of rents, royalties or return from the property shall be income to the tenant; but where the trustee or tenant is under a duty, arising either by law or by the terms of the transaction by which the principal was established, to change the form of the investment, either at once or as soon as it may be done without loss, then the return from such property not in excess of (five) per centum per annum of its fair inventory value or in default thereof its market value at the time the principal was established, or at its cost where purchased later, shall be deemed income and the remainder principal.

Section 11. Unproductive Estate. (1) Where any part of a principal in the possession of a trustee consists of realty or personalty which for more than a year and until disposed of as hereinafter stated has not produced an average net income of at least one per centum per annum of its fair inventory value or in default thereof its market value at the time the principal was established or of its cost where purchased later, and the trustee is under a duty to change the form of the investment as soon as it may be done without sacrifice of value and such change is delayed, but is made before the principal is finally distributed, then the tenant, or in case of his death his personal representative, shall be entitled to share in the net proceeds received from the property as delayed income to the extent hereinafter stated.

(2) Such income shall be the difference between the net proceeds received from the property and the amount which, had been placed at simple interest at the rate of (five) per centum per annum for the period during which the change was delayed, would have produced the net proceeds at the time of change, but in no event shall such income be more than the amount by which the net proceeds exceed the fair inventory value of the property or in default thereof its market value at the time the principal was established or its cost where purchased later. The net proceeds shall consist of the gross proceeds received from the property less any expenses incurred in disposing of it and less all carrying charges which have been paid out of principal during the period while it has been unproductive.

(3) The change shall be taken to have been delayed from the time when the duty to make it first arose, which shall be presumed, in the absence of evidence to the contrary, to be one year after the trustee first received the property if then unproductive, otherwise one year after it became unproductive.

(4) If the tenant has received any income from the property or has had any beneficial use thereof during the period while the change has been delayed, his share of the delayed income shall be reduced by the amount of such income received or the value of the use had.

(5) In the case of successive tenants the delayed income shall be divided among them or their representatives according to the length of the period for which each was entitled to income.

Section 12. Expenses–Trust Estate. (1) All ordinary expenses incurred in connection with the trust estate or with its administration and mangement, including regularly recurring taxes assessed against any portion of the principal, water rates, premiums on insurance taken upon the estates of both tenant and remainderman, interest on mortgages on the principal, ordinary repairs, trustees' compensation except commissions computed on principal, compensation of assistants, and court costs and attorneys' and other fees on regular accountings, shall be paid out of income. But such expenses where incurred in disposing of, or as carrying charges on, unproductive estates as defined in Section 11, shall be paid out of principal, subject to the provisions of Subsection (2) of Section 11.

(2) All other expenses, including trustee's commissions computed upon principal, cost of investing or reinvesting principal, attorneys' fees and other costs incurred in maintaining or defending any action to protect the trust or the property or assure the title thereof, unless due to the fault or cause of the tenant, and costs of, or assessments for, improvements to property forming part of the principal, shall be paid out of principal. Any tax levied by any authority, federal, state or foreign, upon profit or gain defined as principal under the terms of Subsection (2) of Section 3 shall be paid out of principal, notwithstanding said tax may be denominated a tax upon income by the taxing authority.

(3) Expenses paid out of income according to Subsection (1) which represent regularly recurring charges shall be considered to have accrued from day to day, and shall be apportioned on that basis whenever the right of the tenant begins or ends at some date other than the payment date of the expenses. Where the expenses to be paid out of income are of unusual amount, the trustee may distribute them throughout an entire year or part thereof, or throughout a series of years. After such distribution, where the right of the tenant ends during the period, the expenses shall be apportioned between tenant and remainderman on the basis of such distribution.

(4) Where the costs of, or special taxes or assessments for, an improvement representing an addition of value to property held by the trustee as part of principal are paid out of principal, as provided in Subsection (2), the trustee shall reserve out of income and add to the principal each year a sum equal to the cost of the improvement

divided by the number of years of the reasonably expected duration of the improvement.

Section 13. Expenses—Non-Trust Estates. (1) The provisions of Section 12, so far as applicable and excepting those dealing with costs of, or special taxes or assessments for, improvements to property, shall govern the apportionment of expenses between tenants and remaindermen where no trust has been created, subject, however, to any legal agreement of the parties or any specific direction of the taxing or other statutes; but where either tenant or remainderman has incurred an expense for the benefit of his own estate and without the consent or agreement of the other, he shall pay such expense in full.

(2) Subject to the exceptions stated in Subsection (1) the cost of, or special taxes or assessments for, an improvement representing an addition of value to property forming part of the principal shall be paid by the tenant, where such improvement cannot reasonably be expected to outlast the estate of the tenant. In all other cases a portion thereof only shall be paid by the tenant, while the remainder shall be paid by the remainderman. Such portion shall be ascertained by taking that percentage of the total which is found by dividing the present value of the tenant's estate by the present value of an estate of the same form as that of the tenant except that it is limited for a period corresponding to the reasonably expected duration of the improvement. The computation of present values of the estates shall be made on the expectancy basis set forth in the American Experience Tables of Mortality and no other evidence of duration or expectancy shall be considered.

Section 14. Uniformity of Interpretation. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 15. Short Title. This Act may be cited as the Uniform Principal and Income Act.

Section 16. Repeal. All acts or parts of acts which are inconsistent with the provisions of this Act are hereby repealed.

Section 17. Time of Taking Effect. This Act shall apply to all estates of tenants or remaindermen which became legally effective after the effective date of this Act.

Introduction of Bills and Resolutions

HB 492, by Representative Wathen, AN ACT relating to the duration of restraints on alienation and exceptions thereto.

HB 493, by Representative Wathen, AN ACT relating to the ascertainment of principal and income and apportionment of receipts and expenses among tenants and remaindermen.

HB 494, by Representatives C. S. Howard, A. W. Wells, and D. W. Howard, AN ACT to authorize the use of Polygraph evidence and provide qualifications and license for Polygraph operators.

HB 495, by Representatives McCallum and Morgan, AN ACT relating to cities of the fifth class.

HB 496, by Representative Mullins, AN ACT relating to resignations, removals and vacancies.

HB 497, by Representative Burnley, AN ACT relating to certificate of origin of motor vehicles.

HB 498, by Representative Hinkle, AN ACT relating to school budgets.

HB 499, by Representative Bates, AN ACT relating to alcoholic beverages prohibition.

HB 500, by Representative Weintraub, AN ACT relating to textbooks.

HB 501, by Representative Ockerman, AN ACT relating to the taking or damaging property unlawfully but without felonious intent and fixing penalty.

HB 502, by Representative Moore, AN ACT relating to the employment of minors upon approval of juvenile courts except in certain cases and amending KRS 339.290.

HR 48, by Representative Searcy, A JOINT RESOLUTION directing reduction of stationery waste in state government and increase in use of letterhead services of the Division of Services in the Department of Finance.

HR 49, by Representative Lambert, A JOINT **RESOLUTION** authorizing Mrs. W. E. Taylor and W. E. Taylor, of Rockcastle County, to sue the Department of Welfare and the Commonwealth, or either.

HR 51, by Representative Holsclaw, A RESOLUTION empowering the Speaker to appoint a Committee to investigate the possibilities for more space for the use of the Chief Clerk and Committees of the House.

Enrollment Committee Report

Committee on Enrollment reported that **HB 37, HB 49, HB 112, HB 124, HB 133, HB 147, HB 153** had been examined and found correctly enrolled. Said bills read at length, compared, an signed in open session by the Speaker. Ordered delivered to the Senate.

HB 37, HB 49, HB 112, HB 124, HB 133, HB 147, HB 153 delivered, Signed by President of the Senate. Ordered delivered to the Governor.

Recess

Representative Morgan moved to recess until 8 P. M. Agreed.

Joint Session

The House was called to order by Speaker Fitzpatrick who announced a joint session of House and Senate. The Speaker announced arrival of Lieutenant-Governor Harry Lee Waterfield and Members of the Senate.

Lieutenant-Governor Waterfield assumed the Chair.

Representative Morgan moved that the roll call be dispensed with. Agreed.

Invocation by Reverend E. W. Baxter, Church of the Ascension, Frankfort.

Lieutenant-Governor Waterfield introduced Dr. Frank M. Gaines, Commissioner of Mental Health of Kentucky. Dr. Gaines introduced Dr. William C. Menninger, Topeka, Kansas, who addressed the Joint Session.

Senator Sullivan moved the Joint Session be dissolved. Agreed.

Speaker Fitzpatrick resumed the Chair.

Representative Burnley moved to adjourn until 1 P.M., February 9. Agreed.

THURSDAY, FEBRUARY 9, 1956

THIRTY-FIRST LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Robert J. Laughlin, First Presbyterian Church, Frankfort.

Roll Call showed all present except Anderson, Beshear, Billington, Buchanan, Caudill, Cottengim, Highland, Lambert, Nunnelley, Parrish, V. Reed, Sloan, Williamson, who were granted leave of absence on motion of Representative Morgan.

Representative Isler moved that reading of February 8 Journal be dispensed with and that the same be approved. Agreed.

Introduction of Resolutions

Representative Holsclaw moved adoption of **HR 51.**

HR 51: WHEREAS during this session of the General Assembly when all Committees were meeting, it was necessary for the mail clerks, certificate clerk and stenographers to use a room also used regularly for committee meetings, and

WHEREAS other official and employees of the Clerk's office worked in overcrowded conditions.

NOW, THEREFORE

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Speaker be empowered to appoint a Committee who shall confer with the Speaker and Chief Clerk in an effort to provide more space for the clerical employees of the House and committee for the regular session in 1958.

If the recommendations of this Committee indicate a need for alterations of the building, they shall confer with the Building Commission or such other Agency as would be necessary to carry out their recommendations.

This Committee shall report their recommendations and result of their conference with other agencies, on or before February 18, 1956.

HR 51 was adopted.

Representative Holsclaw moved adoption of **HR 52.**

HR 52: A RESOLUTION regarding popular songs which relate to Kentucky.

WHEREAS, in the past, the State of Kentucky has been immortalized by the song "My Old Kentucky Home" and other similar songs, and

WHEREAS, in recent years there has been a dearth of popular songs that have widely publicized our state, and

WHEREAS, in recent years numerous songs, such as, "The Yellow Rose of Texas" and "The Eyes of Texas Are Upon You" have publicized the State of Texas,

NOW, THEREFORE

Be it resolved by the House of Representatives of the Commonwealth of Kentucky:

That the poet-laureate of Kentucky and all other poets and song writers are hereby requested to be diligent in their efforts to produce poems and songs of such nature and quality as to call to the attention of all people of the world the romance and charm of the people and history of our state and to the beauty and grandeur of her land and streams.

HR 52 was adopted.

Report of Committees

The Committee on Rules reported **HB 84, HB 85, HB 178, HB 185, HB 192, HB 274, HB 288, HB 347, HB 353, HB 416, HB 418, HB 421, HB 429, HB 448, HB 460, HB 487, HB 489, HB 495, HB 498, SB 11, SB 73, SB 146, SB 166, SR 66** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 84: AN ACT relating to vehicles; providing penalties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, KRS 189.380, KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, or KRS 189.540, subsection (1) of KRS 189.560, or KRS 189.570 to 189.630, except subsection (1) of KRS 189.580, shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than ten dollars nor more than two thousand dollars, or imprisoned in the county jail for not more than one year, or both.

(2) (a) Any person who violates the weight provisions of KRS 189.221 or 189.222 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount equal to two cents per pound for each pound of excess load when the excess of 2,000 pounds or less, three cents per pound when the excess exceeds 2,000 pounds and is 3,000 pounds or less, five cents per pound when the excess exceeds 3,000 pounds and is 4,000 pounds or less, seven cents per

pound when the excess exceeds 4,000 pounds and is 5,000 pounds or less, and nine cents per pound when the excess exceeds 5,000 pounds but in no case to exceed $500.

(3) Any person who violates any of the provisions of KRS 189.120 shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

(4) Any person who violates KRS 189.170 shall be fined not less than five nor more than fifty dollars for each day he operates a truck in violation of KRS 189.170.

(5) (a) Any person who violates subsection (1) of KRS 189.190 shall be fined not more than five dollars.

(b) Any person who violates subsection (5) of KRS 189.190 shall be fined not less than twenty-five nor more than two hundred dollars.

(6) (a) Any person who violates subsection (1) of KRS 189.210 shall be fined not less than fifteen nor more than one hundred dollars.

(b) Any peace officer who fails, when properly informed, to enforce KRS 189.210 shall be fined not less than fifteen nor more than one hundred dollars.

(c) All fines collected under this subsection after payment of commissions to officers entitled theerto, shall go to the county road fund if the offense is committed in the county, or to the City street fund if committed in the city.

(7) Any person who violates subsection (2) of KRS 189.231 shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

(8) Any person who violates subsection (3) of KRS 189.320 shall be guilty of a misdemeanor.

(9) Any person who violates subsection (1) of KRS 189.370 shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

(10) Any person who violates KRS 189.500 shall be fined not more than five dollars in excess of the cost of the repair of the road.

(11) Any person who violates KRS 189.510 shall be fined not less than ten nor more than fifty dollars.

(12) (a) Any person who violates subsection (2) of KRS 189.520 shall be fined not less than five hundred nor more than one thousand dollars, or imprisoned for not less than six nor more than twelve months.

(b) Any peace officer who violates subsection (3) of KRS 189.520 shall be fined not less than twenty-five nor more than one hundred dollars.

(13) Any person who violates KRS 189.530 shall be fined not less than twenty-five nor more than one hundred dollars or imprisoned not less than thirty days nor more than twelve months, or both.

(14) Any person who violates any of the provisions of KRS 189.550 shall be fined not less than ten nor more than one hundred dollars for each offense.

(15) Any person who violates subsection (2) of KRS 189.560 shall be fined not less than twenty nor more than one hundred dollars for each offense.

(16) The fines imposed by subsection (4) (a) and subsections (8) and (9) of this section shall, in the case of a public highway, be paid into the county road fund, and in case of a privately owned road or bridge be paid to the owner. These fines shall not bar an action for damages for breach of contract.

(17) Any person who violates any provision of KRS 189.575 shall, upon conviction thereof, be fined not exceeding twenty-five dollars.

HB 85: AN ACT relating to the operation of school busses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The authority for selecting and employing drivers of school busses shall be vested in the superintendent of the county, subject to the approval of the board of education; provided, that each driver shall be selected with a view to having him located as near the beginning of the school route as possible; and it shall be lawful to employ students as drivers wherever such is deemed advisable.

Section 2. No person shall be eligible for consideration as a school bus driver unless he is seventeen years of age or older and of good moral character. Before being employed all prospective school bus drivers shall be examined by the Kentucky State Police to determine their competency. The Kentucky State Police shall provide a rigid school bus driver training course and issue special "School Bus Driver's Certificates" to successful candidates. No person shall be authorized to drive a school bus in this state transporting children, whether the bus be owned by the school board or by a private contractor, who has not been certified by the Kentucky State Police. Local school officials may supervise the conduct of pupils being transported and of school bus drivers.

Section 3. Section 186.600 of the Kentucky Revised Statutes is amended to read as follows:

No person under the age of eighteen shall drive a motor vehicle while it is in use as a public passenger-carrying vehicle.

HB 178: AN ACT relating to the payment of wages to employes; amending Section 337.020 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 337.020 of the Kentucky Revised Statutes is amended to read as follows:

Every employer carrying on a business in this State and including every corporation or joint stock association operating a steam, electric or diesel surface railroad or engaged in the sleeping car business or persons or corporations carrying on the business thereof by lease or otherwise, for a pecuniary profit, shall pay to each of its employes the wages earned to a day not more than six (6) days prior to the date of such payment. Any employe who is absent at the time fixed for payment, or who, for any other reason, is not paid at that time shall be paid thereafter at any time upon three (3) days' demand. Any employee who leaves or is discharged from his employment shall be paid in full following his dismissal or voluntary leaving at any time upon three (3) days' demand. No corporation or individual subject to this section shall, by any means, secure exemption from it. Every such employe shall have a right of action against any such corporation or individual for the full amount of his wages due on each regular pay day.

HB 185: AN ACT relating to pests.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Commissioner" means that as defined in subestcion (1) of Section 249.010 of the Kentucky Revised Statutes.

(2) "Department" means that as defined in subsection (2) of Section 249.010 of the Kentucky Revised Statutes.

(3) "Director" means that as defined in subsection (3) of Section 249.010 of the Kentucky Revised Statutes.

Section 2. When it appears to the Commissioner that mosquitoes are present in any area of the State in sufficient numbers to warrant action, he shall instruct the State Entomologist to conduct an immediate investigation of the causes thereof, and corrective measures necessary and report such facts to the Commissioner. The State Entomologist shall thereupon, with the advice and consent of the Commissioner and Director, undertake the control and elimination of mosquitoes in such area, utilizing whatever measures appear necessary so long as such methods in no wise conflict with individual property rights, and do not constitute a menace to the health of persons or livestock.

Section 3. To carry out the purposes of this Act, there is appropriated to the Department out of the General Expenditure Fund in the State Treasury, the sum of sixty thousand dollars for the 1956-1957 fiscal year and the sum of sixty thousand dollars for the 1957-1958 fiscal year.

HB 192: AN ACT relating to insurance applications, amending KRS 304.656.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.656 of the Kentucky Revised Statutes is amended to read as follows:

All statement or descriptions in any application for an insurance policy or in negotiations therefore, by or in behalf of the insured, shall be deemed to be representations and not warranties, misrepresentations, unless material or fraudulent, shall not prevent a recovery on the policy.

Any agent obtaining the application for a policy of insurance and the doctor who examines the insured, shall be deemed to be the agents of the insurer. If fraud be alleged by either party concerning the obtaining of such application, or writing in the answers given by the insured, or the issuance of a policy of insurance thereon, oral testimony shall be admissible to prove or defeat all such allegations.

HB 274: AN ACT relating to industrial safety.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 338.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in KRS 338.020 to 338.140, unless the context requires otherwise:

(a) "Commissioner" means the Commissioner of Industrial Relations; and

(b) "Department" means the Department of Industrial Relations.

(2) As used in KRS 338.020 to 338.060, unless the context requires otherwise:

(a) "Board" means Kentucky Industrial Safety Board;

(b) "Safe" and "safety" mean such freedom from danger to the life and safety of employes as the nature and place of employment reasonably permit; and

(c) "Safety Devices" and "safeguards" include any reasonable and practicable device which the nature of the employment reasonably permits in protecting the life or safety of the employe.

(3) KRS 338.020 to 338.060 shall not apply to employers and employes subject to the Federal Railway Labor Act, the Federal Safety Appliance Act, the Interstate Commerce Commission, or the Kentucky Public Service Commission, nor to places of employment subject to the jurisdiction of the Department of Mines and Minerals, nor to hospitals or charitable institutions, nor to employes of the State or United States or political subdivisions of either, nor to farming or work performed in homes and residences.

HB 288: AN ACT relating to railroad cabooses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It shall be unlawful for any railroad corporation operating within the Commonwealth of Kentucky and under the laws of the Comomnwealth of Kentucky to use in service and in the business of transporting freight over the established routes of such corporation, any caboose except one constructed according to the following prescribed requirements: Every caboose used by a railroad corporation shall have a steel underframing, steel sides and roof, and all supporting parts shall also be made of steel.

Section 2. It shall be unlawful for any railroad to use on its line any caboose car, or other car used for like purposes, on trains of forty cars or more, unless such caboose or other car shall be at least twenty-four (24) feet in length, exclusive of the platform, and equipped with two (2) four-wheel trucks, and said caboose car or other car shall be of constructive strength equal to that of sixty-thousand (60,000) pounds capacity freight cars, and shall be provided with a door in each end thereof and an outside platform across each end of said car. Each platform shall not be less than thirty (30) inches in width and shall be equipped with proper guard rails and with grab-irons and steps for the safety of persons getting on and off said car. Said steps shall be equipped with a suitable rod, board or other guard at each end and at the back thereof properly designed to prevent slipping from said step. Said caboose shall have the necessary windows, screens and bay-windows on each side instead of the dangerous unsafe cupola.

Section 3. It shall be unlawful to use any caboose in service unless same is equipped with a toilet, seats in both bay-windows and a table for writing. The table edges shall be padded for safety and the lighting at the table shall be electric or aladdin lamps.

Section 4. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Any railroad corporation subject to this Act shall, after one year from the effective date of this Act, comply in detail and, for violating any of the provisions thereof, shall be liable to a penalty of not less than Three Hundred Dollars nor more than Five Hundred Dollars, and confined in the County Jail for not less than thirty, nor more than ninety, days for each and every violation (each day will mean a violation), said fine or fines to be recovered in a suit.

HB 347: AN ACT relating to candidates for the office of county tax commissioner.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.380 of the Kentucky Revised Statutes is amended to read as follows: (1) Before any person's name shall be placed upon any ballot as a candidate for the office of county tax commissioner in any primary, or general election, except as a candidate to succeed himself in office, or before he may be appointed county tax commissioner, he shall hold a certificate issued by the Department of Revenue showing that he has been examined by it and that he is qualified for the office. The examinations shall be both written and oral, and formulated so as to test fairly the ability and fitness of the applicant to serve as county tax commissioner. The Department of Revenue shall hold such examinations in at least one place in each Congressional District within thirty days from the effective date of this Act, in the year 1949, and every four years thereafter during the month of February. The Department of Revenue shall advise each county attorney of the time and place of the examination and the county attorney shall post a notice thereof in a conspicuous place in the courthouse two weeks before such examination is given. Any person desiring to take such examination shall appear at the time and place designated.

(2) Whenever there is a vacancy in the office of county tax commissioner to be filled by appointment or by election, and there is not more than one person holding a valid certificate and eligible for appointment or election, or whenever the county judge requests it, the Department of Revenue may hold a special examination for applicants seeking a certificate for the office. Such special examination shall be held in the same manner as regular examinations.

(3) Examinations shall be given and graded in accordance with rules of the department published to the applicant at the time of the examination. Within thirty days after the examination, a certificate of fitness and qualification to fill the office of county tax commisisoner shall be issued by the Department of Revenue to each person passing the examination.

(4) Examination records shall be preserved by the department for twelve months after the examination, and the record of any person who took the examination may be seen by him at the office of the Department of Revenue in Frankfort, Kentucky.

HB 353: AN ACT relating to rebates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person who pays or causes to be paid or offers to pay to any funeral director or embalmer, or to the agent, assistant or employee of either, any commission or bonus or rebate or other thing of value in consideration of such funeral director or embalmer recommending or causing the purchase of flowers from any particular florist or dealer in flowers, for use in connection with a funeral service, shall be fined not less than twenty-five dollars nor more than one hundred dollars.

HB 416: AN ACT to regulate the sale of motor fuels: to provide regulation for the advertisement of motor fuels: to provide that storage containers shall be labeled or branded to prevent adulteration of motor fuels: to provide rules and regulations for the enforcement and administration of this Act: to provide for the keeping of records by retail dealers: to provide for cost surveys: to prohibit the sale of motor fuel at less than cost to such retail dealer with intent to destroy or lessen competition or injure competitors: to provide for exceptions to provide for enforcement: to provide a penalty for violation: to provide for severability: to repeal conflicting laws: and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act may be cited as the "Motor Fuel Sales Act".

Section 2. Definitions: The following words and terms shall have the meaning hereafter indicated, unless the context shall clearly indicate another or different meaning.

(1) "Motor Fuel" shall mean (a) a light distillate of petroleum or allied substance, with suitable volatility and other characteristics to be used as a motor fuel for operating internal combustion engines, whether or not it is mixed with other materials, or (b) any other product or liquid when sold for use as a motor fuel in any type of internal combustion engine furnishing power to operate a motor vehicle.

(2) "Retail Dealer" shall mean any person operating a service station, filling station, store, garage or other place of business for the sale of or dispensing of motor fuel for delivery into the service tanks or tanks of any motor vehicle which is propelled by an internal combustion engine, other than such a motor vehicle belonging to the person owning or operating said place of business.

(3) "Commissioner" shall mean the State Revenue Commisisoner.

(4) 'Cost to Retail Dealer" shall mean the cost of such motor fuel to the dealer, plus the cost of doing business, including that part of the overhead of such dealer properly attributable to the sale of such motor fuel according to the generally accepted methods of accounting procedure, which overhead shall include without limitation labor, including the salaries of proprietors and corporate owners and others or a reasonable value for the service of same where no direct wage or salary is paid to them; rent or reasonable return on capital invested in real property used in said business; depreciation; selling cost including gifts or premiums, or other valuable considerations passing from the retail dealer to the purchaser in connection with the sale of motor fuel; maintenance of equipment; delivery costs; and all costs of licenses, taxes, insurance and advertising.

Section 3. Every retail dealer in motor fuel shall publicly display and maintain on each pump or other dispensing device from which motor fuel is sold by him, at least one sign and not more than two signs stating the price per gallon of the motor fuel sold by him from such pump or device. Said sign or signs shall be of a size not larger than eight inches by ten inches. The price shown on each sign shall include all taxes imposed with respect to the manufacture or sale of the motor fuel sold at such pump or device, and every such sign shall either contain a statement of the taxes included in said price, or, without specifying the amount thereof, shall state that such taxes are included in said price. All figures, including fractions, upon signs, other than figures and fractions used in price computing mechanisms constituting a part of any such pump or dispensing device, shall be the same size lettering. No sign or signs shall be permitted in regard to the retail price of motor fuel at any other place on premises except as stated herein. No sign or signs shall be placed in any manner to obstruct motorists view of through traffic, creating traffic hazards.

Section 4. Any advertisement of motor fuel by a retail dealer which states, refers to, or relates to the price of motor fuel shall state the price per gallon thereof, which price shall state or include all taxes included, referred to or related to and there shall be included in such advertising matter a statement that such price per gallon includes such taxes which are included in the stated price per gallon. On all signs stating or relating to the price of motor fuel and on signs designed or calculated to cause the public to believe that they state or relate to the price of motor fuel, the figures, including fractions, upon said signs shall be the same size.

Section 5. All above ground equipment for storing or dispensing motor fuel or lubricating oils operated by a retail dealer shall bear in a conspicuous place the brand name or trademark, and the name of the manufacturer of the product stored therein or sold or dispensed therefrom. If the motor fuel or lubricating oil stored in or sold or dispensed from above ground equipment by a retail dealer has no brand name or trademark, such container or dispenser shall have conspicuously displayed thereon the name of the manufacturer and the words "No brand."

Section 6. No person shall adulterate or permit the adulteration of any motor fuel or lubricating oil offered for sale or sold under a brand name or trademark or distinguishing mark of the manufacturer or distributor of said products, or substitute or permit the substitution of any other motor fuel or lubricating oil therefor. No person shall sell or dispense or offer to sell or dispense, from any pump, tank or other dispensing service or contain any motor fuel or lubricating oil other than that indicated by the name, trade name, trademark, symbol, sign or other distinguishing mark of the manufacturer or distributor of said product, if any, appearing on said pump, tank or other dispensing device or container. A manufacturer or distributor of motor fuel or lubricating oil shall submit samples to the proper state authorities when requested by the Commissioner.

Section 7. The Commissioner may adopt, alter or repeal and shall enforce reasonable orders, rules and regulations as he may deem necessary or suitable for the administration and enforcement of this

Act, and he may at any time cause to be made by his agents or representatives an audit, examination or investigation of the books, records, papers, vouchers, accounts and documents of any retail dealer who shall make them available at any reasonable time upon oral or written demand by the Commissioner or any of his agents or representatives.

Section 8. Each retail dealer shall keep such records as may be required by the Commissioner, and all such records shall be safely preserved by such retail dealer and offered for inspection upon demand by the Commisisoner or his agents.

Section 9. No retail dealer shall, with intent to injure competitors or substantially destroy or lessen competition, advertise, offer to sell at retail any motor fuel at less than the cost to such retailer, cost defined in Section 2.

Section 10. Where the retail dealer or any part thereof in a trading area have caused to be made an independent agency a cost survey of doing business in such area in accordance with generally accepted accounting principles and procedures, in which survey all retail dealer to violate said Act, shall be considered as an indirect to the surveyor information from their books and records with respect to their cost of doing business and the said retail dealers have thereafter have been given an opportunity to adopt or reject said survey by written approval, such cost survey shall be deemed competent evidence in proving the cost to any such retailer.

Section 11. Any distributor, wholesaler or manufacturer of motor fuel in this State who compels a retail dealer to violate any provisions of this Act through the use of such methods as rebates, discounts, temporary allowances or by any other means cause said retail dealer to violate said Act, shall be considered as an indirect violator of this Act and shall be subject to penalties provided herein, and shall further be subject to triple damages by said retail dealer, damages considered as all monies or revenues lost during that period in which wholesaler, distributor or manufacturer forced retail dealer to sell below cost of doing business.

Section 12. The provisions of this Act shall not apply to sales at retail made:

(a) Where motor fuel is advertised or offered for sale or sold upon the final liquidation of the busines sof said retail dealer.

(b) Where motor fuel is advertised or offered for sale or sold by any fiduciary or other officer acting under directions of any court.

Section 13. On complaint of any retail dealer, the Circuit Court of his county shall have jurisdiction to restrain and enjoin any act declared illegal by the provisions of this Act, and it shall be the duty of the Attorney General to prosecute all violators of any provisions of this Act.

Section 14. If any clause, sentence, paragraph, section or part of this Act shall for any reason be declared unconstitutional it shall not affect the validity of any of the remaining clauses, sentences, paragraphs, sections or parts of this Act.

Section 15. Any person who shall violate any provision of this Act or any rule or regulation or order made pursuant thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be fined not to exceed $5,000 or confined for a period of not more than 12 months, or both such fine and confinement.

Section 16. All laws and parts of laws in conflict with this Act are hereby repealed.

HB 418: AN ACT relating to subdivision roads in counties containing a city of the third class and amending KRS 179.470.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 179.470 of the Kentucky Revised Statutes is amended to read as follows:

In counties containing a city of the third class, and not a city of the first class, any street or road located outside of the corporate limits of an incorporated city which is a street or road of a subdivision established by a recorded plat that dedicates the street or road to public use, shall be maintained by the fiscal court of the county in the same manner that roads established under KRS 178.115 are maintained, if the street or road is at least one thousand feet in length and at least fifty percent of the lots abutting the street or road contain houses which are occupied, and the street or road has been or shall be so constructed as to meet the approval of the county road engineer or, if there is no county road engineer, the approval of the fiscal court, such approval being based upon the established standards for county road construction within the county.

HB 421: AN ACT to regulate the transportation of passengers of all races within the Commonwealth of Kentucky pursuant to decisions of the United States Supreme Court and the Interstate Commerce Commission, and repealing KRS 276.440 and subsection (11) of KRS 276.990.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In order to promote, foster and encourage better racial relations within the Commonwealth of Kentucky between the white and colored races, and to further carry out the intent, purposes and decisions of the United States Supreme Court and of the Inter-State Commerce Commission and to remove inconsistency in rules and regulations governing travel of passengers of the white and Negro races both as inter-state and intra-state passengers on trains within the Commonwealth of Kentucky, and to remove the burden and necessity of railroads operating within Kentucky having to provide one type of service for intra-state passengers and another type of service for inter-state passengers, it is hereby desired by this Act that the method of transporting Negro and white passengers on trains shall be consistent.

Section 2. Section 276.440 and subsection (11) of Section 276.990 of the Kentucky Revised Statutes, and all other Acts or parts of Acts in conflict herewith are hereby repealed.

HB 429: AN ACT repealing Section 138.020 to 138.080, both inclusive, of the Kentucky Revised Statutes, relating to amusement taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 138.020 to 138.080, both inclusive, of Kentucky Revised Statutes, relating to amusement taxes be and the same are hereby repealed.

HB 448: AN ACT relating to containers for malt beverages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) No licensee for the sale of malt beverages shall sell, purchase or keep on the licensed premises, any malt beverages by the package or container except in quantities of not less than twelve ounces.

(2) Any license issued under KRS Chapter 243 shall be revoked by the Alcoholic Beverage Control Board for violation of this Act.

HB 460: AN ACT changing the classification of the city of Florence, Boone County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the city of Florence, in Boone County, is such as to justify its being classified as a city of the fourth class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The city of Florence, in Boone County, is transferred from the sixth to the fourth class of cities.

HB 487: AN ACT relating to school districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 160.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) In independent school districts, the members of the school board shall be elected from the district at large.

(2) The board of education of each county school district shall divide its district into five divisions as nearly equal in population and containing integral voting precincts in so far as is practicable. In the county school district, each board member shall be a resident of the division from which he is petitioned. At any election, each voter of a county school district shall have a right to vote for as many candidates as there are members to be elected. Members of the county school board shall be nominated and elected as provided for in KRS 160.200 and KRS 160.220 to 160.250.

(3) When it is made necessary by changes in precinct boundaries or shifts in population, the county board of education may alter the boundaries of the division in order to equalize the population of the division or to make them conform to precincts, but no change shall be made in the boundaries of the divisions within six months prior to the day on which a member of the school board is to be elected. A record of the boundaries of each division and any changes made therein shall be kept in the office of the county board of education, and shall be published by the county board in a newspaper of general circulation.

(4) Any citizen in the district may prosecute an appeal to the county court from the action of the board in making a division line or a change thereof, and from the county court to the circuit court of the county in which the district is located. The procedure on appeal shall be the same as in other civil cases.

Section 2. Section 160.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) County Districts. In county school districts the ballots shall show the candidates to be voted for in each division in which there is to be a board member elected. Each voter shall be issued a school ballot and shall vote for only one candidate in each division by making a cross in the square opposite the name of the candidate for whom he wishes to vote. The candidate receiving the largest number of votes in each division shall be declared elected.

(2) Independent Districts. In independent school districts each voter may vote for as many candidates as there are members to be elected by making a cross in the square opposite the name of each candidate for whom he wishes to vote, and the ballot shall show the number of board members to be elected. The candidates, in number equal to the number of members to be chosen, who have the highest number of votes shall be declared elected.

Section 3. Section 160.044 of the Kentucky Revised Statutes is hereby repealed.

HB 489: AN ACT relating to the regulation of carpenters and carpentry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) As used in this Act, unless the context requires otherwise:

(a) "Board" means the State Fire Marshal and the Commissioner of Industrial Relations.

(b) "Carpenter" means any person who performs the work of carpentry.

(c) "Carpentry" means establishment of all grade and boundary lines; to lay-out and supervise erection of structure according to plans and blue prints; the milling of, fashioning, joining, assembling, erecting, fastening, or dismantling of all materials of wood, plastic, metal, fiber or cork composition or all other substitute materials; the handling, erecting, installing, and dismantling of machinery and equipment, where the skill, knowledge and training of the carpenter are required, either through the operation of machine or hand tools.

(2) This Act shall apply to all counties and to all cities contained in this state.

Section 2. No person, company, contractor, contracting firm, group of carpenters or individuals, or corporation shall engage in the erection, construction, fabricating, or assembing of any building, dwelling house, apartment house, garage, or other structure, whether intended for private or public use, or to work at the carpentry trade, or hire other employes to work at the carpentry trade unless they have been licensed according to this Act.

Section 3. (1) An applicant for a license as an individual or contracting company, firm, group of carpenters or individuals, or corporation shall be a citizen of the United States or have applied for citizenship, and at least twenty-one (21) years old.

(2) He shall satisfactorily pass an examination promulgated by the board to test his technical and practical knowledge of carpentry and related requirements.

Section 4. The following fees shall be paid to the board; they shall accompany the application and shall not be refunded:

(1) By an applicant for an examination for a license as an individual or a company, contracting firm, group of carpenters, group of individuals or corporation, twenty-five ($25.00) dollars.

(2) By an applicant for a license as an individual or a company, contracting firm, group of carpenters, group of individuals or corporation, twenty-five ($25.00) dollars.

(3) By an applicant for the annual renewal of a license as an individual or a company, contracting firm, group of carpenters, group of individuals or corporation, twenty-five ($25.00) dollars.

Section 5. An applicant failing to receive a license upon his first application, or an applicant who fails to pass his first examination, may enter any examination held within six (6) months from the date of his failure to procure a license, without payment of any additional fee.

Section 6. In order to administer this Act, the board may issue and revoke licenses, conduct and make regulations for conducting examinations of applicants, govern the method and time within which an applicant shall be examined after his application has been filed. It may adopt any other reasonable regulations to administer this Act.

Section 7. In order to conduct examinations for persons to qualify as a licensed individual or company, contracting firm, group of carpenters, groups of individuals or corporation, the board shall appoint as examiners the following persons or their representatives: The Director of Public Safety, State Fire Marshal, and three (3) other persons, all of whom shall be journeyman carpenters, with not less than five (5) years practical experience as a carpenter.

Section 8. (1) The board shall appoint, where none exist, a county carpentry inspector and as many county carpentry deputy inspectors for each county as may be required to enforce this Act.

(2) Each county inspector and deputy shall be a journeyman carpenter. Every inspector and deputy shall have had at least five (5) years practical experience as a journeyman carpenter.

(3) The salary or fee of every county carpentry inspector and deputy shall be fixed by the board at the time of, or immediately after his appointment.

Section 9. Any person licensed under this Act may be styled as a registered carpentry contractor.

Section 10. An individual or a company, contracting firm, group of carpenters, group of individuals or corporation may engage in the business of carpentry in any county, if some person connected with that company, contracting firm, group of carpenters, group of individuals or corporation in responsible charge of the carpentry work is a licensed registered carpentry contractor. Any registered carpentry contractor, in responsible charge of carpentry work for himself as an individual, company, contracting firm, group of carpenters, group of individuals or corporation engaged in the carpentry business, shall notify the board at any time he severs his connections with a company, contracting firm, group of carpenters, group of individuals or corporation.

Section 11. No carpenter or individual shall assume the responsibility of any carpentry work or have same conducted by an individual, company, contracting firm, group of carpenters, group of individuals or corporation or a sub-contractor unless there is a licensed registered carpentry contractor in responsible charge.

Section 12. (1) In order to administer this Act the board shall promulgate a code regulating the craft of carpentry erections in all counties. Further, the board shall enforce all existing carpentry codes for any county or city, or any carpentry codes for any county or city promulagted by said county or city in the future only if said county or city carpentry code meets the minimum requirements and standards of the code promulagted by the board. All county and city carpentry codes must meet the minimum standards of the code promulgated by the board.

(2) This state code may be amended from time to time, and city and county codes shall conform therewith.

Section 13. A city through municipal ordinances regulating carpentry may adopt the code promulgated by the board under Section (12) of this Act, and may appoint a municipal carpentry inspector who shall be a journeyman carpenter. The municipal inspectors and deputy municipal inspectors shall have concurrent jurisdiction with the county carpentry inspector within the boundaries of the city, in the enforcement of this chapter. At the time of their appointments the municipal carpentry inspectors and deputy carpentry inspectors shall be journeymen carpenters, with not less than five (5) years practical experience as a journeyman carpenter. Nothing in this Act shall prevent a county or city from collecting occupational license fees from the registered carpentry contractors, or from collecting fees for the issuance of building permits for carpentry work.

Section 14. (1) No persons shall use unsafe or defective equipment or materials in the work of carpentry. All carpentry work shall conform to the minimum requirements of the code promulgated by the board.

Section 15. Any persons who violates any provisions of this Act, or who shall willfully perform any carpentry work which fails to meet the minimum requirements of the code promulgated by the board, shall be fined not less than twenty-five ($25.00) dollars nor more than five hundred $500.00) dollars or imprisoned not more than ninety days or both, and their license revoked for one (1) year.

HB 495: AN ACT relating to cities of the fifth class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When the lands or a material part thereof, on which a city of the fifth class are situated, are required to be taken and used for the construction of a dam or other project of a national public interest or use, such city or cities of the fifth class may, alone or jointly, acquire by eminent domain or otherwise, lands without the city or cities, and resell or use said lots or tracts for the purpose of providing sites for the relocation of residences, business property, municipal buildings, and other industries. Such cities are authorized to expend revenue or funds obtained by taxation or otherwise for purposes of such relocations. For purposes of this Act, such relocation shall be deemed to be a "public project" as defined in KRS 58.010.

HB 498: AN ACT relating to school budgets.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.470 of the Kentucky Revised Statutes is hereby amended to read, as follows:

(1) Each district board of education shall prepare a general school budget on forms prescribed and furnished by the State Board of Education, showing the amount of money needed for current expenses, debt service, capital outlay, and other necessary expenses of the schools during the succeeding fiscal year, the estimated total amount that will be received from the common school fund and other sources, the assessed valuation of property subject to local taxation in the school district furnished as provided in subsection (3) of KRS 160.460, an estimate made by the Department of Revenue of franchise assessments and assessments of other property in the school district not furnished under the provisions of subsection (3) of KRS 160.460, and the amount that will be needed to be raised by local taxation, including the rate of levy necessary to raise such an amount. Three copies of the budget shall be filed with the clerk of the tax levying authority of the district within three days after the school district has received its assessment data. The clerk shall present the budget to the proper tax levying authority when the authority convenes to fix its school levy. The failure of the district board of education to furnish the budget within the time prescribed shall not invalidate any levy made thereafter. Within three days after the tax levying authority has fixed the tax rate, the district board of education shall forward two copies of the budget to the State Board of Education for its approval or disapproval. The budget shall be disapproved if it is financially unsound or fails to provide for (a) payment of maturing principal of and interest on any outstanding voted school improvement bonds of the school district authorized and issued pursuant to KRS 162.080 and 162.090, with the written approval of the State Board of Education, or (b) payment of rentals in connection with any outstanding school buiding revenue bonds issued for the benefit of the independent school district or county school district, as the case may be, by the appropriate city or county as authorized and provided under the provisions of KRS 162.120 to 162.300, with the written approval of the State Board of Education, or fails to comply with the law; and the State Board of Education shall state its reason, or reasons, for such disapproval. In such event the district board of education shall amend its budget to obviate the reasons for disapproval. If the budget as amended specifies a tax levy different from that levied under the disapproved budget, the tax levying authority shall amend its levy in accordance therewith, so that the levy as amended shall comply with the provisions of subsection (1) of KRS 160.460. No general school budget shall become effective until approved by the State Board of Education.

(2) Each district board of education shall, if required by the State Board of Education, prepare and submit to it not later than

September 15, a close estimate or working budget which shall conform to the rules and regulations prescribed by the State Board of Education, and which shall be consistent in its major divisions with the general school budget previously prepared.

SB 11: AN ACT to amend Section 256 of the Constitution of this Commonwealth relating to the amendment of said Constitution.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 256 of the Constitution be amended by repealing said action in its entirety and enacting in lieu thereof the following:

Amendments to this Constitution may be proposed in either house of the General Assembly at a regular session, or, if stated in the original proclamation as a subject to be considered, at a special session, and if such amendment or amendments shall be agreed to by a three-fifths majority of the members elected to each house, such proposed amendment or amendments, with the yeas and nays of the members of each house taken thereon, shall be entered in full in their respective journals. Then such proposed amendment or amendments shall be submitted to the voters of the State for their ratification or rejection at the next general election which occurs not less than ninety days from the final passage of such amendment or amendments, the vote to be taken thereon in such manner as the General Assembly may provide. If it shall appear that a majority of the votes cast for and against an amendment at said election was for the amendment, then the same shall become a part of the Constitution of this Commonwealth, and shall be so proclaimed by the Governor, and published in such manner as the General Assembly may direct. Not more than ten amendments may be adopted by the General Assembly to be submitted to the voters of the State at any one time for their ratification or rejection. Said amendments shall be so submitted as to allow a separate vote on each, unless the General Assembly provides for a single vote on two or more amendments relating to the same subject. No amendment shall relate to more than one (1) general subject. The approval of the Governor shall not be necessary to any bill, order, resolution or vote of the General Assembly proposing an amendment or amendments to this Constitution.

Section 2. This amendment shall be submitted to the voters of the Comomnwealth for their ratification, or rejection, at the time and in the manner provided for under Section 256 and 257 of the Constitution, and under KRS 118.170 and 118.430.

SB 73: AN ACT relating to educational benefits for the children of certain deceased veterans.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Any person whose father was a resident of the Commonwealth of Kentucky upon his entrance into military service and who was killed while serving in the armed forces of the United States during wars declared by Congress or actions of the United Nations or who died as a result of a service connected disability shall not be required to pay any matriculation or tuition fee upon his admission to any state supported institution of higher education.

(2) In order to obtain the benefits conferred by subsection (1) of this Act ,the applicant therefor must have resided in Kentucky for five years next preceding his application for admission, and the parent-child relationship must be shown by birth certificate, adoption papers or other documentary evidence. The father's service and the cause of death must be evidenced by certification of the Veteran's Administration, its successor or the Department of Defense of the United States. In event one so admitted to a state supported institution of higher education under the provisions of this Act shall have obtained a cash scholarship paid or payable to such institution, from whatever source, the amount of such scholarship shall be applied to the credit of such applicant in the payment of incidental expenses of his attendance at such institution, and any balance, if the terms of the scholarship permit, shall be returned to such applicant.

HB 132: AN ACT relating to highways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.450 of the Kentucky Revised Statutes is amended to read as follows:

Any person who puts, throws, dumps or leaves any cigar, cigarette, tin can, old iron, brush, boxes, tools, machinery, vehicles, rubbish, brick, wood, logs, glass, glassware, glass bottles, glass jars, broken glass, broken glassware, or debris of any kind or character whatsover in, upon or within the limits of any public highway, except by direction of the legislative body of the town or fiscal court of the county, shall, upon conviction be fined in any sum not to exceed fifty dollars.

SB 146: AN ACT relating to the terms of court in the forty-second judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The introductory phrase and subsection 42 of Section 23.050 of the Kentucky Revised Statutes are amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(42) Forty-second District. Livingston County, at Smithland, on the second Monday in April, eighteen juridical days; the second Monday in August, eighteen juridical days; and the first Monday in December, eighteen juridical days.

Marshall County, at Benton, on the second Monday in January, eighteen juridical days; on the second Monday in March, eighteen juridical days; on the second Monday in June, eighteen juridical days; and on the third Monday in October, eighteen juridical days.

Calloway County, at Murray, on the first Monday in February, twenty-four juridical days; on the first Monday in May, twenty-four juridical days; on the second Monday in September, twenty-four juridical days.

Section 2. This Act shall take effect on September 10, 1956.

SB 166: AN ACT relating to containers of alcoholic beverages and amending Sections 244.260, 244.310 and 244.340 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 244.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) No wholesaler shall purchase, import or keep upon the licensed premises or sell any distilled spirits or wine in any container except in the original sealed package containing quantities of not less than eight ounces each of distilled spirits or six ounces of wine, and not exceeding two quarts each of distilled spirits or fifty-five gallons each of wine, as received from the distiller, rectifier, vintner or wholesaler, as the case may be. Such containers shall at all times have affixed to them such labels as may be required by the regulations of the board, together with all necessary Federal revenue and state excise tax stamps.

(2) No wholesaler shall sell any distilled spirits or wine except in cases of containers of uniform size, except that wine may be sold in barrels or kegs. "Case" as used in this section means a carton of containers aggregating not less than two and four-tenths nor more than three wine gallons.

Section 2. Section 244.310 of the Kentucky Revised Statutes is amended to read as follows:

(1) No licensee for sale of distilled spirits and wine by the drink, other than a railroad system licensee, shall keep upon the licensed premises any distilled spirits or wine in any container except in the original package containing quantities of not exceeding two quarts each of distilled spirits or fifty-five gallons each of wine, and contain-

ing not less than twenty ounces each, as received from the wholesaler, except mixed drinks which contain a substantial proportion of carbonated water and which are sold by entire bottles containing not less than twelve ounces. If the licensee also holds a retail package license, the containers may contain as little as eight ounces of distilled spirits and six ounces of wine.

(2) Each container shall have affixed to it such labels as may be required by the regulations of the board, together with all required Federal revenue and state excise tax stamps.

Section 3. Section 244.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) No retailer of distilled spirits or wine by the package, other than a railroad system licensee, shall purchase, keep upon the licensed premises or sell any distilled spirits or wine by the package in any container except in the original sealed package containing quantities of not less than eight ounces of distilled spirits or six ounces of wine and not exceeding two quarts each of distilled spirits or fifty-five gallons each of wine.

(2) Each container shall have affixed to it such labels as may be required by the regulations of the board, together with all required Federal revenue and state excise tax stamps.

(3) No container shall be opened nor its contents consumed on the licensed premises unless the licensee also holds a retail drink license.

SR 56: A JOINT RESOLUTION requesting and urging the Property and Buildings Commission and the State Fair Board to establish and maintain State Fair Grounds at Nicholson, Kenton County, Kentucky.

WHEREAS, Nicholson, in Kenton County, is in the approximate geographical center of the populous area of northern Kentucky; and

WHEREAS, it appears that said Nicholson is an area easily accessible to all citizens of the Commonwealth by whatever mode of transportation they may choose, and

WHEREAS, great cultural and economic benefits would be derived from the establishment of a State Fair Grounds at Nicholson, and

WHEREAS, there is no other State Fairgrounds in the general area of Nicholson or Kenton County,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Property and Buildings Commission and the State Fair Board are hereby urged to establish and maintain State Fair Grounds at Nicholson, Kenton County, Kentucky.

Section 2. That the Clerk of the Senate cause copies of this Resolution to be mailed to the chairman of the Property and Buildings Commission and the Chairman of the State Fair Board.

Calendar

HB 33, HB 41, HB 82, HB 138, HB 149, HB 159, HB 164, HB 186, HB 189, HB 203, HB 222, HB 232, HB 237, HB 266, HB 273, HB 291, HB 310, HB 313, HB 350, HB 351, HB 358, HB 361, HB 369, HB 375, HB 394, HB 417, HB 425, HB 430, HB 431, HB 434, HB 436, HB 445, HB 456, HB 458, HB 459, HB 463, HB 471, HB 474, HB 476, HB 478, HB 479, HB 480, HB 481, HB 482, HB 483, HB 484, HB 485, HB 488, HB 490, HB 491, HB 492, HB 493, SR 15, SB 124, SB 138, SB 118, SB 100, SB 51, SB 88, SB 72, SB 117, SB 53, SB 115, SB 83, SB 75, SB 24, SB 105, SB 91, SB 12, SB 52, HR 7, HR 8, HR 10, HR 17, HR 20, HR 22, HR 29, HR 34, HR 35, HR 36, HR 42, SB 34 were taken from the Calendar and ordered read at length for the second time. Ordered placed in the Orders of the Day.

Orders of the Day

HB 467 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Breckinridge moved to amend **HB 467** as follows:

Amendment No. 1. "Amend printed copy of **HB 467** on page 3, section 2, line 24 by deleting the word '1970' and inserting in lieu thereof, the word '1972.'" Adopted.

Amendment No. 2. "Amend printed copy of **HB 467** on page 3, section 2, line 35 by deleting therefrom the following: 'adequate compensation and allowances' and inserting in lieu thereof, the words 'per diem.'" Rejected.

HB 467 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 77—Barnum, Bates, Baumgardner, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Caudill, Conrad, Davidson, Davis, Day, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hill, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Wilson, Wirsch. Nays 1—Thomas. **HB 467** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 324 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Morgan moved to amend **HB 324** as follows:

Amend printed copy of 324 on page 3, section 3, line -- by adding after Section 3 thereof, the following which shall constitute subsection (2) of that Section:

(2) Subsection (4) of Section 157.380 of the Kentucky Revised Statutes is amended to read as follows:

"A portion of funds received by any district from the federal government in lieu of taxation of property shall be added to the district's required local tax effort. The portion of such federal funds added to the district's required local tax effort shall be the percentage the required local tax effort is of the total levy for school current expense purposes made in the district during that year; provided, however, that any part of federal funds received by the district that is charged against the district in determining its allotment under public law 874 or similar laws shall not be added to the districts required local tax effort, and, provided, further, that any funds received by any districts under KRS 96.895 shall not be added to the district's required local tax effort.'"

Adopted. Read at length the third time as amended. Representative Morgan moved the Previous Question on the bill, as amended. Agreed.

On roll call, the vote was: Yeas 85—Barnum, Bates, Baumgardner, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Heskamp, Hill, Hilton, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Weintraub, A. W. Wells L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 324** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 371 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 76—Barnum, Bates, Baumgardner, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Conrad, Cornett, Davidson, Davis, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Hilton, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lowman, Mackey, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Stith, Thomas, Thompson, Tinsley, Walsh, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 371** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 219 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 48—Barnum, Baumgardner, Blue, Breathitt, Bridgers, Burnley, Bush, Conrad, Cornett, Davidson, Dunsil, Embry, Everett, Farmer, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hawkins, Heskamp, Hinkle, Hislope, Holsclaw, D. W. Howard, Isler, Johnson, Mackey, McCallum, McFadden, Miller, Morgan, Newsom, Parrish, Peace, Pollitte, Qualls, J. B. Reed, H. V. Reid, Reynolds, Stith, Thomas, Thompson, Wathen, A. W. Wells, L. B. Wells, Wirsch. Nays 8—Breckinridge, Day, Gay, Lowman, Ockerman, Ray, Tanner, Williamson. **HB 219** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 221 taken from Orders of the Day, on recommendation of Rules Comittee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 70—Barnum, Bates, Baumgardner, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Conrad, Cornett, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Lowman, Mackey, Martin, McCallum, McFadden, Melton, Miller, Moore, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, H. V. Reid, Searcy, Stith, Tanner, Thomas, Thompson, Walsh, Weintraub, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 0. **HB 221** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 364 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 65—Barnum, Bates, Baumgardner, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Conrad, Cornett, Dunsil, Everett, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hahn, Hawkins, Hilton, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Mackey, Martin, McKinney, Melton, Miller, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, H. V. Reid, R. Reid, Sr., Searcy, Stith, Thomas, Tinsley, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Wirsch, Young. Nays 0. **HB 364** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

Report of Enrollment Committee

The Committee on Enrollment reported that **SB 30** had been examined and found correctly enrolled. Said bill read at length, compared, and signed in open session by the Speaker.

Orders of the Day

HB 100 taken from Orders of the Day, on recommendation of Rules Committee. Representative Rayburn moved to place on passage. Agreed. Read at length the third time. Representative Rayburn moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 77—Barnum, Bates, Baumgardner, Blankenship, Blue, Bridgers, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette Hadden, Hahn, Harris, Hawkins, Heskamp, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Morgan, Mullins, Newsom, Nunn, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Stith, Thomas, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 2—Breckinridge, Tinsley. **HB 100** was passed and the title agreed to.

HB 83 taken from Orders of the Day on recommendation of Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Morgan moved adoption of committee substitute for **HB 83.** Adopted. Read at length the third time with committee substitute. Representative Lowman moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 77—Barnum, Bates, Baumgardner, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Casey, Caudill, Conrad, Cornett, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Hill, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Johnson, Kubale, Lowman, Mackey, Martin, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, Williamson, Wirsch, Young. Nays 0. Com. Sub. on **HB 83** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

Senate Message

Senate message announcing passage of **HB 201, SB 95, SB 178,** and **SB 182** read by Clerk.

Orders of the Day

HB 264 taken from Orders of the Day on recommendation of Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Representative Morgan moved adoption of the following committee amendment:
Amendment No. 1:

Amend printed copy of H.B. 264 on pages 2, 3, & 4, lines 26 to 45, 60 to 67, and 75 are amended as follows:

(3) "Visual Aid Glasses" means eyeglasses, spectacles or lenses designed or used to correct visual defects; provided, however, that nothing in the provisions of this chapter relating to the practice of optometry shall be construed to limit or restrict, in any respect, the sale of sun-glasses designed and used solely to filter out light; and further provided that nothing in this chapter relating to the practice of optometry shall be construed to limit or restrict, in any respect, the sale of completely assembled eyeglasses or spectacles designed and used solely to magnify;

(4) An orthoptic technician is a person who trains and directs individuals to engage in ocular exercises designed to correct visual defects, and shall not be required to be licensed under the provisions of this chapter provided that such training and directions are done pursuant to and under the instructions of a duly licensed physician, osteopath or optometrist and consists solely of visual training orthoptics or ocular exercises.

Section 320.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall practice optometry in this Commonwealth

or hold himself out as being able so to do unless he is the holder of a license duly issued to him by the board and registered in the manner provided by KRS 320.290.

(2) Such license to practice optometry shall not be required by physicians or osteopaths regularly licensed to practice medicine or osteopathy at any place in the Commonwealth of Kentucky.

(3) Nothing in this chapter shall be construed to prohibit persons from fitting, adjusting, or dispensing visual aid glasses or other lenses or appurtenances; provided, that such fitting, adjusting or dispensing is done upon the written prescription of a regularly licensed optometrist, physician or osteopath, or as requiring such persons to be licensed under this chapter.

Delete lines 60 through 67 on page 3.

On page 4, line 75 insert a comma and the word 'osteopathy' after the word optometry.

Amendment No. 2: Amend title by adding at end thereof the following: This Act shall be known as the Davidson-Everett Act.

Adopted.

Representative Bridgers moved to lay on clerk's desk until Amendment has been incorporated in bill in printed form. Rejected.

HB 264 with amendments read at length the third time.

Representative Davidson moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 62—Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Davidson, Davis, Day, Dunsil, Everett, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Hilton, Hinkle, Holsclaw, Isler, Jennings, Johnson, Kubale, Mackey, McCallum, McKinney, Melton, Morgan, Mullins, Newsom, Parrish, Pollitte, Ratcliffe, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Stith, Thompson, Tinsley, Wathen, Weintraub, A. W. Wells, Williamson, Wirsch, Young. Nays 4—Bates, Heyburn, Nunn, Walsh. **HB 264** was passed.

Representative Day moved to amend the title by adding at end thereof the following: "This Act shall be known as the Davidson-Everett Act." Adopted.

Representative Morgan moved that the vote by which the bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 5 taken from Orders of the Day on recommendation of the Rules Committee. Agreed. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 76—Barnum, Bates, Baumgardner, Blankenship, Blue, Breathitt, Breckinridge, Burnley, Bush, Casey, Conrad, Cornett, Davidson, Davis, Day, Dunsil, Embry, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Hill, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Mackey, Martin, McCallum, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, Williamson, Wirsch, Young. Nays 0. **SB 5** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 71 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 71—Barnum, Bates, Baumgardner, Blankenship, Blue, Breathitt, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Hill, Hislope, Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Kubale, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Ockerman, Parrish, Peace, Pollitte, Qualls, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Stith, Tanner, Thompson, Tinsley, Walsh, A. W. Wells, Williamson, Wirsch, Young. Nays 0. **SB 71** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SR 16 taken from Orders of the Day on recommendation of Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length for the third time. Representative Breathitt moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 67—Barnum, Bates, Baumgardner, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Davis, Dunsil, Embry, Farmer, Flanery, Freeman, Grigsby, Grundy, Gullette, Hadden, Harris, Heyburn, Hill, Hilton, Hinkle, Hislope, Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Kubale, Mackey, Martin, McCallum, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Rayburn, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Stith, Tanner, Thompson, Tinsley, Walsh, A. W. Wells, Williamson, Wirsch, Young. Nays 0. **SR 16** was passed and the title agreed to.

Representative Morgan moved that the vote by which said resolution was adopted be reconsidered and the motion laid on the table. Agreed.

HB 240 taken from Orders of the Day on recommendation of Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Weintraub moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 63—Barnum, Bates, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Dunsil, Embry, Farmer, Flanery, Freeman, Gay, Griffin, Grigsby, Grundy, Hadden, Harris, Heskamp, Hill, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, H. V. Reid, Reynolds, Stith, Thompson, Tinsley, Walsh, Wathen, Weintraub, A. W. Wells, Williamson, Young. Nays 1—Tanner. **HB 240** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SR 39 taken from Orders of the Day, on recommendation of Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Burnley moved its adoption. Agreed.

On roll call, the vote was: Yeas 63—Barnum, Bates, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Conrad, Cornett, Davis, Embry, Farmer, Flanery, Freeman, Gay, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Hill, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Peace, Pollitte, Qualls, Ratcliffe, Rayburn, H. V. Reid, R. Reid, Sr., Stith, Thompson, Tinsley, Wathen, Weintraub, A. W. Wells, Wirsch. Nays 0. **SR 39** was passed and the title agreed to.

Representative Morgan moved that the vote by which said resolution was adopted be reconsidered and the motion laid on the table. Agreed.

HB 404 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 62—Barnum, Bates, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Day, Embry, Farmer, Flanery, Freeman, Gay, Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Mackey, Martin, McCallum, McFadden, McKinney, Miller, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, H. V. Reid, Searcy, Stith, Thompson, Tinsley, A. W. Wells, Williamson, Wirsch, Young. Nays 2—Hill, J. B. Reid. **HB 404** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and said motion laid on the table. Agreed.

HB 406 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 62—Barnum, Bates, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Day, Embry, Farmer, Flanery, Freeman, Gay, Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Mackey, Martin, McCallum, McFadden, McKinney, Miller, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, H. V. Reid, Searcy, Stith, Thompson, Tinsley, A. W. Wells, Williamson, Wirsch, Young. Nays 2—Hill, J. B. Reed. **HB 406** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 357 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Burnley moved to amend **HB 357** as follows: "Amend printed copy of 357 on page 1, section 1, line 4, By deleting the word 'founds' and inserting in lieu thereof the word 'funds.'" Adopted. Read at length the third time as amended. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 65—Barnum, Bates, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Conrad, Cornett, Day, Embry, Everett, Farmer, Flanery, Freeman, Gay, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Hill, Hilton, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Johnson, Mackey, Martin, McCallum, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Pollitte, Ratcliffe, Ray, Rayburn, J. B. Reed, H. V. Reid, Reynolds, Searcy, Stith, Tanner, Thompson, Tinsley, Wathen, A. W. Wells, Wilson, Wirsch. Nays 0. **HB 357** was passed and the title agreed to.

SB 15 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 64—Barnum, Bates, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Casey, Conrad, Cornett, Davis, Day, Embry, Everett, Farmer, Flanery, Freeman, Gay, Griffin, Grigsby, Grundy, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W.

Howard, Isler, Jennings, Johnson, Kubale, Martin, McCallum, McFadden, McKinney, Moore, Morgan, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Pollitte, Ratcliffe, Ray, H. V. Reid, R. Reid, Sr., Searcy, Stith, Tanner, Thompson, Tinsley, Wathen, Wilson, Wirsch, Young. Nays 2—Gullette, J. B. Reed. **SB 15** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HR 46 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Morgan moved to amend **HR 46** as follows: "Amend typed copy of H. Res. 46 on page 2, section 5, By deleting Section 5 in its entirety and substituting the following in lieu thereof: 'Section 5. All financial obligations incurred by the committee shall be paid in the manner provided in Sections 2 and 5 of House Bill 3 of the 1956 Regular Session of the General Assembly.'" Adopted.

HR 46 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 57—Barnum, Blue, Bridgers, Casey, Conrad, Cornett, Davidson, Davis, Embry, Everett, Farmer, Flanery, Freeman, Grigsby, Grundy, Gullette, Hadden, Hahn, Heskamp, Hill, Hilton, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Parrish, Pollitte, Ratcliffe, Ray, J. B. Reed, H. V. Reid, R. Reid, Sr., Stith, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, Wilson, Wirsch, Young. Nays 0. **HR 46** was passed and the title agreed to.

Representative Morgan moved that the vote by which said resolution was adopted be reconsidered and the motion laid on the table. Agreed.

HB 279 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 63—Barnum, Bates, Blankenship, Breathitt, Breckinridge, Bridgers, Burnley, Casey, Conrad, Cornett, Davidson, Davis, Day, Embry, Everett, Farmer, Flanery, Gay, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Hilton, Hinkle, Hislope, C. S. Howard, Isler, Jennings, Johnson, Mackey, Martin, McFadden, McKinney, Melton, Moore, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Thompson, Tinsley, Wathen, Weintraub, A. W. Wells, Wilson, Wirsch, Young. Nays 3—Blue, Hill, Newsom. **HB 279** was passed and the title agreed to.

HB 251 taken from Orders of the Day on recommendation of Rules Committee.

Representative Burnley moved that vote by which clincher was applied be reconsidered. Motion seconded by Representative Day. Agreed.

Representative Burnley, seconded by Representative Day, moved that vote by which bill was defeated be reconsidered. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 32—Barnum, Bates, Blankenship, Blue, Breathitt, Burnley, Cornett, Davis, Day, Embry, Everett, Farmer, Flanery, Griffin, Grigsby, Harris, Hilton, C. S. Howard, Isler, Johnson, McCallum, Morgan, Murphy, Newsom, H. V. Reid, Searcy, Tanner, Tinsley, Wathen, Weintraub, A. W. Wells, Wirsch. Nays 14—Breckinridge, Casey, Conrad, Gay, Grundy, Hill, Martin, Melton, Moore, Ockerman, Pollitte, Ratcliffe, R. Reid Sr., Stith. **HB 251** was rejected.

Representative Morgan moved that the vote by which said bill was defeated to reconsidered and the motion laid on the table. Agreed.

HB 470 taken from Orders of the Day on recommendation of Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 61—Barnum, Blankenship, Blue, Breathitt, Breckinridge, Casey, Conrad, Cornett, Davidson, Davis, Day, Embry, Farmer, Flanery, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Lowman, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Ratcliffe, Ray, H. V. Reid, R. Reid, Sr., Searcy, Stith, Thompson, Tinsley, Wathen, Weintraub, A. W. Wells, Wilson, Wirsch, Young. Nays 0. **HB 470** was passed and the title agreed to.

HB 371 taken from Orders of the Day on recommendation of Rules Committee. Representative Morgan moved that the Rules be suspended to make a motion. Agreed.

Representative Morgan moved that the vote by which the motion to reconsider the vote by which the bill was passed was reconsidered and the motion laid on the table.

Representative Morgan moved that the vote by which said bill was passed be reconsidered. Agreed.

Representative Lowman moved to amend **HB 371** as follows:

Amend printed copy of House Bill 371 on page 2, section 4, lines 1 through 11

By deleting therefrom "To carry out the purposes of this Act, there is appropriated to the State Property and Buildings Commission out of the General Expenditure Fund in the State Treasury the sum of Five Hundred Seventy-one Thousand Dollars ($571,000.00). The funds so appropriated will be made available immediately and shall be available until expended or until the close of the fiscal year 1957-58, whichever comes sooner. This appropriation shall be for the sole purpose of construction of National Guard armories and disbursement of the sum so appropriated shall be authorized by the Commissioner of Finance on requisition by the head of the Department of Military Affairs.' and substituting in lieu thereof, the following: 'Section 4. To carry out the purposes of this Act, there is appropriated to the Governor's Special Emergency Fund, for the purpose of construction of National Guard armories, whatever surplus remains in the General Expenditure Fund at the end of the 1956-1957 fiscal year, not to exceed the sum of five hundred seventy-one thousand dollars. The funds so appropriated shall be available for the Governor's use for this purpose until expended, or until the close of the fiscal year 1957-1958, whichever occurs first, and disbursement of the sum so appropriated shall be authorized by the Commissioner of Finance on requisition by the Governor." Agreed.

Representative Morgan moved to amend **HB 371** as follows: "Amend printed copy of House Bill 371 on page 2 and 3, section 5, lines 1 through 9 By deleting lines 1 through 9." Adopted. Read the third time as amended. Representative Lowman moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 59—Blankenship, Blue, Breathitt, Breckinridge, Burnley, Casey, Conrad, Cornett, Davidson, Davis, Day, Embry, Farmer, Fitzpatrick, Flanery, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Lowman, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Qualls, Ray, H. V. Reid, R. Reid, Sr., Searcy, Stith, Tanner, Thompson, Tinsley, Wathen, Weintraub, A. W. Wells, Wilson, Wirsch, Young. Nays 0.

Representative Holsclaw moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 468 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 55—Blankenship, Breathitt, Breckinridge, Burnley, Casey, Conrad, Cornett, Davidson, Davis, Day, Embry, Farmer, Flanery, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Lowman, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Nunn, Ockerman, Peace, Qualls, Ray, H. V. Reid, R. Reid, Sr., Searcy, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, Weintraub, A. W. Wells, Wilson, Wirsch, Young. Nays 0. **HB 468** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

The Speaker appointed the following Committee pursuant to HR 51: Representatives Holsclaw, Burnley, Young.

Introduction of Bills and Resolutions

HB 503, by Representative Wathen: AN ACT relating to revenue and taxation.

HB 504, by Representative Gay: AN ACT relating to teachers retirement.

HB 505, by Representative Gay, AN ACT relating to teachers retirement.

HB 506, by Representative Day: AN ACT relating to the transfer of teachers on continuing and limited service contracts.

HB 507, by Representative Harris: AN ACT relating to trade practices.

HB 508, by Representatives Breckinridge, Davidson, Day, Lowman, Durham W. Howard, Hahn and Breathitt: AN ACT to create a Division of Hospital Care within the Department of Health and to prescribe procedures to be administered by said Division, etc.

HB 509, by Representative Hahn: AN ACT relating to gasoline tax.

HB 510, by Representative Blue: AN ACT relating to the practice of veterinary medicine.

HB 511, by Representatives Wirsch, Tinsley, Wilson, and Johnson: AN ACT appropriating twenty thousand dollars to be used for the old Governor's Mansion.

HB 512, by Representatives Wirsch, Tinsley, Wilson, and Johnson: AN ACT appropriating twenty thousand dollars to be used for the old Governor's Mansion.

HB 513, by Representative Breckinridge: AN ACT relating to penalties for traffic violations.

HR 52, by Representative Hislope: A RESOLUTION regarding popular songs which relate to Kentucky.

HR 53, by Representative Newsom: A HOUSE RESOLUTION requesting the enforcement of the anti-littering laws of the Commonwealth.

HR 54, by Representative Isler: A CONCURRENT RESOLUTION requesting and petitioning the Federal Communications Commission to allocate additional Very High Frequency Television Channels to Kentucky.

Representative Morgan moved to adjourn until 10 A. M., February 10. Agreed.

FRIDAY, FEBRUARY 10

THIRTY-SECOND LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Robert J. Laughlin, First Presbyterian Church, Frankfort.

Roll Call showed all present except Anderson, Beshear, Billington, Bridgers, Buchanan, Carter, Cottengim, Farmer, Highland, Hinkle, Nunnelley, Rayburn, V. Reed, Saylor, Sloan, L. B. Wells, who were granted leave of absence on motion of Representative Morgan.

Representative Isler moved that reading of February 9 Journal be dispensed with and that the same be approved. Agreed.

Motions

Representative Williamson moved that **HB 176** be taken from Rules Committee. Representative Murphy moved that the motion be tabled.

On roll call on the motion to table, the vote was: Yeas 35—Barnum, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Bush, Caudill, Day, Dunsil, Embry, Flanery, Freeman, Greene, Grigsby, Gullette, Hahn, Hill, Hilton, Isler, Lowman, Martin, Miller, Moore, Murphy, Newsom, Parrish, Peace, Qualls, J. B. Reed, H. V. Reid, Thomas, Walsh, Weintraub, Wirsch. Nays 12—Harris, Heskamp, Heyburn, Hislope, Melton, Nunn, R. Reid, Sr., Stith, Thompson, A. W. Wells, L. B. Wells, Williamson. The motion was tabled.

Calendar

HB 84, HB 85, HB 178, HB 185, HB 192, HB 274, HB 288, HB 347, HB 353, HB 416, HB 418, HB 421, HB 429, HB 448, HB 460, HB 487, HB 489, HB 495, HB 498, SB 11, SB 73, SB 132, SB 146, SB 166 were taken from the Calendar and ordered read at length for the second time. Ordered placed in Orders of the Day.

Orders of the Day

HB 362 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Morgan moved to amend **HB 362** as follows:

Amendment No. 1. "Amend printed copy of H.B. No. 362 on page 25, section (3), line 37 by striking the word 'this' and inserting in lieu thereof the word 'the'." Adopted.

Representative Breckinridge and Ockerman appealed the decision of the Speaker in denying Representative Breckinridge the right to be heard in favor of Amendment No. 1 to **HB 362.** The Speaker vacated the Chair and Representative Weintraub presided. The Speaker's decision was sustained by voice vote.

Representative Morgan moved to amend **HB 362** as follows:

Amendment No. 2. "Amend printed copy of H. B. No. 362 on page 39, section 54, line 2 by striking the numbers '258.595' and inserting in lieu thereof the numbers '208.595'." Adopted.

Amendment No. 3. "Amend printed copy of 362 on page 2, section 1, line 16, by striking the word 'and' following the word 'neglected' and inserting the words 'and delinquent' after the word 'dependent' and before the word 'children'." Adopted.

Amendment No. 4. "Amend printed copy of 362 on page 5, section 7, line 11 by striking the words 'to be known as the Youth Authority' following the word 'division', and inserting in lieu thereof the words 'of children's institutions'." Adopted.

Amendment No. 5. "Amend printed copy of 362 on page 19, section 22, lines 9 and 10 by striking the words 'Youth Authority' means the Division of Youth Authority in the Department of Welfare, and substituting in lieu thereof the following: 'Child welfare worker' shall mean any employee of the Department of Economic Security designated as such by the Commissioner of the Department of Economic Security or social worker employed by a county or city who has been approved by the Department of Economic Security to handle, under its supervision, services to children." Adopted.

Amendment No. 6. "Amend printed copy of 362 on page 21, section 25, line 22 by striking the word 'department' and substituting in lieu thereof the words 'Department of Economic Security'." Adopted.

Senate Message

Senate message announcing passage of **HB 93, HB 136, SB 77, SB 104, SB 116, SB 136, SB 145, SB 169, SB 170, SB 172, SB 179, SB 191, SB 193, SB 199, SB 203, SB 205, SB 207, SB 208, SB 209, SB 210, SB 211, SB 212, SB 213, SB 214, SB 215, SB 217, SB 219, SR 60** read by the Clerk.

Representative Heyburn moved to lay **HB 362** on Clerk's desk. Rejected.

Orders of the Day

Representative Morgan moved to amend **HB 362** as follows:

Amendment No. 7. "Amend printed copy of 362 on page 21, section 25, line 25 by striking the word 'department' and substituting in lieu thereof the words 'Department of Economic Security'." Adopted.

Amendment No. 8. "Amend printed copy of 362 on page 24, section 28, line 13 by adding the words 'or a child welfare worker' after the word 'officer'." Adopted.

Amendment No. 9. "Amend printed copy of 362 on page 24, section 28, line 27 by striking the word 'department' and substituting in lieu thereof the words 'Department of Economic Security'." Adopted.

Amendment No. 10. "Amend printed copy of 362 on page 24, section 28, line 29 by adding the words 'or child welfare worker' after the word 'officer'." Adopted.

Amendment No. 11. "Amend printed copy of 362 on page 25, section 29, line 5 by striking the words 'department shall' following the word 'The', and substituting in lieu thereof the words 'Department of Economic Security may'." Adopted.

Amendment No. 12. "Amend printed copy of 362 on page 25, section 29, line 11 by striking the word 'department' following the word 'the', and substituting in lieu thereof the words 'Department of Economic Security'." Adopted.

Amendment No. 13. "Amend printed copy of 362 on page 29, section 35, line 22 by striking the word 'department' following the word 'the', and substituting in lieu thereof the words 'Department of Economic Security'." Adopted.

Amendment No. 14. "Amend printed copy of 362 on page 29, section 35, line 25 by striking the word 'department' and substituting in lieu thereof the words 'Department of Economic Security'." Adopted.

Amendment No. 15. "Amend printed copy of 362 on page 29, section 35, line 26 by striking the words 'probation officer' following the word 'a', and substituting in lieu thereof the words 'child welfare worker'." Adopted.

Amendment No. 16. "Amend printed copy of 362 on page 30, section 36, line 20 by adding, following the word 'department', the words 'and of the Department of Economic Security'." Adopted.

Amendment No. 17. "Amend printed copy of 362 on page 31, section 38, line 18 by striking the words 'come under' following the word 'that', and substituting in lieu thereof the words 'have been committed to'." Adopted.

Amendment No. 18. "Amend printed copy of 362 on page 31, section 40, line 7 by adding, following the word 'The' and preceding the word 'reception', the words 'Department of Economic Security shall furnish the'." Adopted.

Amendment No. 19. "Amend printed copy of 362 on page 31, section 40, line 8 by striking the words 'shall be provided' preceding the word 'with', and adding the word 'and' following the word 'psychological'." Adopted.

Amendment No. 20. "Amend printed copy of 362 on page 31, section 40, line 9 by striking the words 'service and medical facilities' and adding in lieu thereof the word 'services'." Adopted.

Amendment No. 21. "Amend printed copy of 362 on page 32, section 40, line 12 by striking the words 'the department shall make a determination' and substitute in lieu thereof 'the Department of Economic Security shall make a recommendation'." Adopted.

Amendment No. 22. "Amend printed copy of 362 on page 32, section 41, line 6 by striking the words 'by the department' following the word 'may' and substituting in lieu thereof the words 'on the recommendation of the child welfare worker'." Adopted.

Amendment No. 23. "Amend printed copy of 362 on page 32, section 41, lines 15 and 16 by striking the words 'probation officer of the department' following the word 'a', and substituting in lieu thereof the words 'child welfare worker'." Adopted.

Amendment No. 24. "Amend printed copy of 362 on page 32, section 41, lines 18, 19 and 20 by striking on line 18 the words 'or a foster home', and all of the words on lines 19 and 20." Adopted.

Amendment No. 25. "Amend printed copy of 362 on page 35, section 46, line 4 by striking the words 'that has been' following the word 'child', and substituting in lieu thereof the word 'now'." Adopted.

Amendment No. 26. "Amend printed copy of 362 on page 35, section 46, line 8 by striking the word 'law' and substituting in lieu thereof the words 'Section 18 of this Act', and by adding following the word 'child' and preceding the word 'committed' the word 'now'." Adopted.

Amendment No. 27. "Amend printed copy of 362 on page 35, section 46, line 11 by striking the word 'law' and substituting in lieu thereof the words 'KRS Chapter 208 as amended by this Act'." Adopted.

Amendment No. 28. "Amend printed copy of 362 on pages 38 and 39, section 53, lines 1 through 26 by striking all of Section 53 and substituting in lieu thereof the following new Section. Adopted.

"(1) The Commissioner of Economic Security shall have sole charge of the administration of the Division of Children's Services.

(2) The Commissioner of Economic Security shall have the power and authority to adopt, amend or rescind such rules and regulations as he deems necessary or suitable for the proper administration of the functions of the Division of Children's Services, including qualification for the receipt of federal funds and for cooperation with other state and federal agencies. Such rules and regulations shall become effective in the manner and at the time prescribed by the Commissioner of Economic Security.

(3) The Commissioner of Economic Security is authorized, subject to the provisions of KRS Chapters 12, 42, and 45, to appoint, fix the compensation and prescribe the duties and powers of such officers and employees as may be necessary in the performance of his duties under the provisions of the law relating to the Division of Children's Services. All positions shall be filled by persons selected and appointed on a non-partisan merit basis, in accordance with merit standards established by law. The Commissioner of Economic Security shall not employ or pay any person who is an officer or committee member of any political party organization. The Commissioner of Economic Security may delegate to any such person so appointed such power and authority as he deems reasonable and

proper for the effective administration of the Division of Children's Services." Adopted.
Amendment No. 29. "Amend printed copy of 362 on page 39, section 54, line 1 by adding following the numbers '208.500' and preceding the numbers '208.570', the numbers '208.560'." Adopted.

Representative Morgan moved the Previous Question. Agreed.

Representative Breckinridge seconded by Representative Day, moved to table **HB 362.**

On roll call on the motion to table **HB 362**, the vote was: Yeas 12—Barnum, Breathitt, Breckinridge, Day, Gay, Heyburn, Jennings, Lambert, Ockerman, Parrish, R. Reid, Sr., Williamson. Nays 40—Baumgardner, Blankenship, Burnley, Bush, Casey, Davidson, Embry, Everett, Flanery, Freeman, Grigsby, Gullette, Harris, Hill, Hilton, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, McCallum, Melton, Miller, Moore, Morgan, Murphy, Pollitte, Qualls, Ray, J. B. Reed H. V. Reid, Searcy, Thomas, Thompson, Tinsley, Walsh, Wathen, Weintraub, L. B. Wells, Wirsch. The motion was rejected.

HB 362 with amendments read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 20—Barnum, Casey, Davis, Flanery, Freeman, Harris, Hill, Holsclaw, C. S. Howard, Johnson, Moore, Morgan, Newsom, Qualls, Ray, Rayburn, J. B. Reed, Searcy, Tinsley, L. B. Wells. Nays 36—Baumgardner, Blankenship, Blue, Breathitt, Breckinridge, Burnley, Bush, Caudill, Conrad, Cornett, Everett, Greene, Gribsby, Gullette, Hahn, Hinkle, Isler, Kubale, Mackey, McCallum, McFadden, Melton, Ockerman, Pollitte, H. V. Reid, R. Reid, Sr., Stith, Thomas, Thompson, Walsh, Wathen, Weintraub, Williamson, Wilson, Wirsch, Young. **HB 362** was defeated.

Enrollment Committee Report

Committee on Enrollment reported that **SB 5, SR 16, SR 39** had been examined and found correctly enrolled. Said bills and resolutions read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

Report of Rules Committee

The Rules Committee reported **HB 209, HB 261, HB 263, HB 276, HB 372, HB 385, HB 388, HB 393, HB 440, HB 449, HB 473, HB 497, HB 500, HB 503, HB 511, HB 512, HB 513, HR 37, HR 49, SB 112, SB 171, SR 17, SR 19, SR 20, SR 25, SR 32, SB 170, SB 172, SB 193, SR 14** with the expression of opinion that they should pass. Said Bills were read at length for the first time and placed in the Calendar.

HB 209: AN ACT relating to crime enforcement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Members of the Department of Kentucky State Police, sheriffs of the various counties, and their deputies, members of any county police force and members of any duly constituted police force of any city or town of the Commonwealth, provided such officers are in uniform or displaying a badge of office, at the scene of any motor vehicle accident upon any of the highways of the Commonwealth, upon reasonable grounds to believe, based upon personal investigation, including information obtained by eye witnesses, that a crime has been committed by any person present, may arrest such person without a warrant.

HB 261: AN ACT relating to workmen's compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Kentucky Revised Statute 342.110 is amended to read as follows:

In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occpational opportunities of the injured employee, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employee and age at the time of injury. In no event shall compensation for an injury to a member exceed the amount allowable for the loss of such member. The compensation paid therefor shall be sixty-five percent of the average weekly earnings of the employee but not less than seven dollars nor more than twenty-four dollars, multiplied by the percentage of disability caused by the injury, for such period as the board determines, not exceeding four hundred and fifty weeks nor a maximum sum of nine thousand, five hundred dollars. Whenever the weekly payments under this section would be less than five dollars per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in KRS 342.020 and 342.030, is paid under any other provision of this chapter, the period during which such other compensation is paid shall be deducted from the maximum period which may be paid under this section.

Section 2. Kentucky Revised Statute 342.115 is amended to read as follows:

(1) If an injured employe refuses employment reasonably suited to his capacity, and physical condition procured for him, he shall not be entitled to compensation during the period of such refusal unless, in the opinion of the board, such refusal was justifiable.

(2) Where an injured employe is employed after injury whether by the same employer in whose employ he sustained the injury, or any other employer, and is paid by any such employer wages equal to, or more than, the wages he was receiving before the injury, the

employer in whose employ he sustained the injury will be allowed to credit the time during which such wages are earned by the employe against the time for which compensation is payable to the employe.

HB 263: AN ACT relating to regional planning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of section 147.130 of the Kentucky Revised Statutes is hereby amended to read as follows:

"(1) The planning commission of any city, the fiscal court of any county or any one hundred citizens, by signed petition, may apply to the Governor for the establishment of a region for planning purposes and the appointment of a regional planning commission for that region. The Governor shall hold at least one public hearing upon the application and shall officially proclaim the time and place of the hearing. If the Governor finds that, by reason of urban development not corresponding to existing municipal boundary lines or by reason of other trends in the growth and distribution of population, commerce and industry, or by reason of topographic or other conditions, two or more separate cities or the territory of one or more such cities and neighboring nonmunicipal territory have common problems of such nature as to be incapable of intelligent, economical and adequate solution by means of the separate planning of each separate political unit, and require, for solution, a general plan of the physical development of the entire area of such cities of territories as a whole, he shall grant the application, define the boundaries of the region and appoint a regional planning commission."

Section 2. Section 147.150 of the Kentucky Revised Statutes is hereby amended to read as follows:

"Any regional planning commission may make, adopt, amend and extend a master regional plan for the physical development of its region. The plan shall be based on comprehensive studies of the present and future development of the region, with due regard to its relation to neighboring regions and the state as a whole, and to neighboring states. The plan, including maps, charts, diagrams and descriptive matter, shall show the commission's recommendations for the physical development of the region and may include among other things the general location, extent and character of streets, avenues, boulevards, roads, lanes, alleys, viaducts, parks and other public ways, grounds and open spaces, public properties and public utilities that affect the development of the region as a whole or more than one political subdivision of the state within the region. It may also include the general location of forests, agricultural and open development areas for purposes of conservation, food and water supply, sanitary and drainage facilities, or the protection of future urban development; and a zoning plan for the control of the height and area, or bulk, location and use of buildings and premises and of the density of population. The master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the region and of public improvements and utilities that do not begin and terminate with the boundaries, or do not relate exclusively to the development, of any single city, and which will, in accordance with the present and future needs of the region and the state, best promote the general welfare and be most efficient and economical."

Section 3. Section 147.160 of the Kentucky Revised Statutes is hereby amended to read as follows:

"The regional planning commission, after adopting the regional plan, shall certify copies to the Governor, to the planning commission of each city within the region, to the legislative body of each city not having a planning commission, to the fiscal court of each county wholly or partly included in the region, and to other organized taxing districts or political subdivisions wholly or partly included in the region."

Section 4. Section 147.170 of the Kentucky Revised Statutes is hereby amended to read as follows:

"The regional plan may be adopted by the planning commission of any city within the region to which it is certified by the regional planning commission. Adoption shall be in accordance with the procedure specified in KRS Chapter 100 for the adoption of plans by municipal planning commissions of such cities. When adopted, it shall have the force and effect within the city as is provided by KRS Chapter 100 for plans made and adopted by municipal planning commissions and shall be deemed an original municipal plan or an amendment of the municipal plan. Before adopting any amendment of the municipal plan that would constitute a departure from the regional plan certified to the municipal planning commission by the regional planning commission, the municipal planning commission shall submit the proposed amendment to the regional planning commission, which shall certify to the municipal commission its approval, disapproval or other opinion concerning the proposed amendment."

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

"The zoning plan may be adopted by the fiscal court of any county within the region to which it is certified by the regional planning commission. Adoption shall be in accordance with the procedure specified in chapter 100, Section 100.500 through 100.600 for the adoption of zoning by a city legislative body."

HB 276, AN ACT relating to Limited Partnerships, repealing Section 362.050 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 362.050 of the Kentucky Revised Statutes is repealed.

HB 372: AN ACT relating to traffic regulations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any regulation of traffic made by statute, department regulation, or municipal ordinance, establishing a school zone and limiting the speed of motor vehicles within such zone shall be enforced only during such time that the school may be in session.

HB 385, AN ACT relating to traffic regulations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No flashing or rotating light, which contains no sign lettering easily legible upon its face, shall be located closer than three hundred feet to any public highway.

Section 2. Any person who violates the provisions of section 1 of this Act shall be guilty of a misdemeanor and shall be fined not less than one hundred nor more than five hundred dollars.

HB 388, AN ACT prohibiting solicitation of legal business with expectation of pecuniary reward therefor, and providing penalty for same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall procure or solicit any legal business for any attorney at law, under the expectation or promise, whether express or implied, of being paid in any manner.

Proof of solicitation or procurement of any legal business for any attorney at law shall be considered prima facie evidence that the solicitation or procurement was done for pecuniary reward.

Section 2. Any person who violates any provisions of Section 1 hereof shall be fined not more than one thousand dollars or imprisoned for not more than six months, or both.

HB 393, AN ACT relating to firemen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The purpose of this Act is to provide for the issuance of citations to firemen for the performance of acts of bravery, above and beyond the call of duty, in the actual saving of human lives.

Section 2. (1) The Governor of the Commonwealth shall present a citation for "Valor" or "Merit", with an appropriate ribbon to each fireman within the Commonwealth performing acts of bravery in the saving of human lives.

(2) A citation for "Valor" shall be presented to each fireman recommended by the local Fire Chief or Assistant Fire Chief, and approved by at least three members of the official governing body of the city or county in which the act of bravery was performed. To enable any fireman to receive a citation for "Valor", he shall have performed an individual act, above and beyond the call of normal duty, in the actual saving of a human life at the risk of his own life, without the assistance of any other person.

(3) A citation for "Merit" shall be presented to any fireman or group of firemen recommended by the Fire Chief or Assistant Fire Chief, and approved by at least three members of the official governing body of the city or county in which the act or acts of bravery were performed. To enable any fireman or group of firemen to receive a citation of "Merit", he, or they, shall have performed an act, while in the normal performance of duty, resulting in the actual saving of a human life at the risk of his or their own.

(4) The award of citations of "Valor" and for "Merit" may be retroactive and, upon the recommendation for citations in accordance with subsections (2) and (3) of this section, such citations shall be awarded to the fireman or groups of firemen having the honor and distinction of performing such heroic deeds in the saving of human lives.

Section 3. The Director of the Division of Insurance shall design and adopt the appropriate citations and ribbons so as to designate the honor which has been conferred upon the firemen receiving such awards. The citations and ribbons shall be furnished by the Department of Insurance to the Governor for presentations.

Section 4. To accomplish the purposes of this Act, there is hereby appropriated out of the General Expenditure Fund to the Department of Insurance, the sum of one thousand dollars.

HB 440: AN ACT relating to public education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

If any employee of the department of education or the superintendent, assistant superintendent, business manager, or purchasing agent of any county, or independent school district shall have any pecuniary interest either directly or indirectly in an amount exceeding twenty-five dollars per year either at the time of or after his appointment to office, in supplying any goods, property, or merchandise of any nature whatsoever for which school funds are expended, or if any such person receives directly or indirectly any gift, reward, or promise of reward for his influence in recommending or procuring the use of any goods, property, or merchandise, of any kind whatsoever for which school funds are expended, then his office or appointment shall without further action be vacant and he shall upon conviction be deemed guilty of a misdemeanor and fined not less than fifty dollars nor more than five hundred dollars.

HB 449: AN ACT relating to marketing of agricultural products.

Be it enacted by the General Apssembly of the Commonwealth of Kentucky:

Section 260.160 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner shall enforce KRS 260.130 to 260.160. He may:

(1) Promulgate for the administration of KRS 260.130 to 260.160 regulations which shall have the force and effect of law.

(2) Investigate and certify to shippers and other financially interested parties the grade, quality or condition of strawberries. The certificate issued by him shall be received in all courts as prima facie evidence of the truth of statements contained in them. For this service he may charge reasonable fees designed to cover the cost of the federal-state inspection service or other costs incurred in enforcing KRS 260.130 to 260.160.

(3) Cooperate with the United States Secretary of Agriculture or any of his authorized agents or representatives in carrying out KRS 260.130 to 260.160.

HB 473: AN ACT relating to exemptions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 427.010 of the Kentucky Revised Statutes is amended to read as follows:

The following property of a person with a family residing in this state is exempt from execution, attachment, distress or fee-bill.

(1) Two work beasts, or one work beast and one yoke of oxen, two plows and gear; one wagon cart or dray and gear; two axes; two hoes; one spade; one shovel; two cows and calves; beds; bedding and furniture, sufficient for family use; carpeting for all family rooms in use; one table; books, not exceeding seventy-five dollars in value; ten head of sheep; all wearing apparel; sufficient provisions, including breadstuffs and animal products, to sustain the family for one year; provender suitable for livestock, if there is any livestock, not to exceed one hundred dollars in value, or, if provender is not on hand, such other property as does not exceed that sum in value; washing apparatus on hand; one sewing machine; all family portraits and pictures; one cooking stove and appurtenances; cooking utensils on hand; one trac-

tor, and other farming equipment on hand; all tools and equipment used by such person in his trade, craft, or profession; one motor vehicle if used by such person in the conduct of his trade, business or profession.

(2) Ninety percent of the salary, wages or income earned by labor or personal service, of every person earning a salary, wages or income of two hundred dollars or less per month. The lien created by service of garnishment, execution, or attachment shall only affect ten percent of such salary earned at the time of service of process. Sixty percent of the salary, wages or income earned by every person, by labor or personal service, in excess of two hundred dollars shall likewise be exempt and the lien created by service of garnishment, execution or attachment shall only affect twenty percent of such excess over two hundred dollars per month, earned at the time of service of process.

(3) It shall be the duty of the court from which such garnishment, execution or attachment shall issue, to ascertain the exemption or exemptions to which such person against whose property wages, salary or income earned by labor or personal service such process issues is entitled under the provisions of this section, and to allow such exemption or exemptions in every case, whether pleaded by the defendant or not. Any contract or agreement by such person to waive any of the exemptions hereinabove provided is hereby declared to be against public policy and void.

HB 497: AN ACT relating to certificate of origin of motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) No manufacturer, importer or other person shall sell or otherwise dispose of a new motor vehicle to a dealer to be used by such dealer for purposes of display and resale nor shall any dealer sell or otherwise dispose of a new motor vehicle to a consumer without delivering to such dealer or consumer, as the case may be, a manufacturer's or importer's certificate executed in accordance with this Act and with such assignments thereon as may be necessary to show title in the purchaser thereof. Such certificate shall be substantially in the following form:

MANUFACTURER'S STATEMENT OF ORIGIN OF A MOTOR VEHICLE

The undersigned CORPORATION hereby certifies that the new motor vehicle described below, the property of said CORPORATION, has been transferred this __________day of _______________ of 19___
on Invoice No. ________ to ____________________________________
(Distributor, Dealer, Etc.)
whose address is ____________________________Trade Name ________
(Street, City and State)

______________ Year ____________ Series or Model ______________
Body Type ______________ No. Cylinders ______________ Engine No.
______________ Serial No. ______________ H.P. (SAE) _______
Shipping Weight ____________ If Truck or Commercial Car, give capacity ____________________________.

THE CORPORATION further certifies that this was the first transfer of such new motor vehicle in ordinary trade and commerce.

____
(Corporation)
By: ________________________
Sign Name Title or Position

____
Office Address of Signator (City and State)

If the motor vehicle has a vehicle identification number, such number may be stated in lieu of the engine and serial numbers in the above certificate.

(2) An "assignment of a manufacturer's certificate" shall be in the following form and shall be printed on the reverse side of said manufacturer's certificate as many times as convenient:

FIRST ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby transfers this Statement of Origin and the motor vehicle described therein to ______
__________________________________ Address ____________________
and certifies that the vehicle is new and has not been registered in this or any other state; he also warrants the title of said motor vehicle at time of delivery, subject to the liens and encumbrances, if any, as set out below:

Amt. of Lien	Date	To Whom Due	Address
______________	__________	________________	___________
______________	__________	________________	___________

Dated ______________ 19____, at ________________, ______________
______________________________ By ________________________
Transferor (Firm Name) Sign Here Position
Before me personally appeared ________________________ who by me being duly sworn upon oath says that the statements set forth above are true and correct. Subscribed and sworn to before me this ________ day of ______________, 19__ ________________________ Notary Public for ________________________________ County.
Notary Seal
State of ________________________.

SECOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby transfers this Statement of Origin and the motor vehicle described therein to ______
______________________________ Address ______________________
and certifies that the vehicle is new and has not been register in this

or any other state; he also warrants the title of said motor vehicle at time of delivery, subject to the liens and encumbrances, if any, as set out below:

Amt. of Lien	Date	To Whom Due	Address
-------------	----------	---------------	----------
-------------	----------	---------------	----------

Dated ---------------- 19--, at --------------------, ---------
---------------------------- By ----------------------------
Transferor (Firm Name) Sign Here Position
Before me personally appeared ---------------------- who by me being duly sworn upon oath says that the statements set forth above are true and correct. Subscribed and sworn to before me this ------day of -------------, 19---- ---------------------Notary Public for ---------------------------- County, State of ---------------

HB 500: AN ACT relating to textbooks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The superintendent of public instruction shall each year cause an inspection to be made of the condition of all textbooks returned pursuant to the provisions of KRS 157.140, which have not been made obsolete by the adoption, by the State Textbook Commission, of other books to replace them. The inspection provided for by this Act shall be for the purpose of determining the condition of the bindings of such books.

Section 2. When the inspection provided for by this Act reveals to the superintendent of public instruction that there are textbooks, the general condition of which warrants their being rebound he shall cause a report to be made to the superintendent of public printing, on forms prescribed by the Department of Education, listing in detail the textbooks in need of rebinding.

Section 3. Upon receipt of the report provided for in Section 2 of this Act, the superintendent of public printing shall, pursuant to Section 247 of the Constitution and Chapter 57 of the Kentucky Revised Statutes, proceed to contract to have such books rebound.

HB 503: AN ACT relating to Revenue and Taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Except as otherwise provided in section (14) the sheriff of each county shall annually assess every vehicle that is subject to ad valorem taxation which is required to be registered under Chapter 186 of the Kentucky Revised Statutes and motor vehicles taxes under KRS 281.811, except those vehicles now assessed under Chapter 136 of the Kentucky Revised Statutes. The sheriff shall prepare a tax

bill for each vehicle assessed. The tax bill shall show the assessed valuation, the amount of tax due the state, county and other taxing districts, the total, and such other information as the Department of Revenue deems necessary.

(2) For his assessment services and preparation of each tax bill, the sheriff shall be allowed in addition to the compensation set forth in KRS 134.290 the sum of ten cents. One-half of this sum shall be paid by the state and one-half shall be paid by the county.

(3) The Department of Revenue shall annually furnish to each sheriff sufficient tax bills and other necessary forms to administer this Act, and shall, by regulation, prescribe the accounting control of tax bills and moneys collected.

(4) The county court clerk shall not register any vehicle until the owner has presented a tax receipt showing that the ad valorem tax on such vehicle has been paid or a statement prepared by the Sheriff that the vehicle was not subject to ad valorem tax as of January 1. The Department of Revenue shall by regulation prescribe for the disposition of the tax receipt furnished to the county court clerk.

(5) The Department of Motor Transportation shall not issue a certificate or permit required by KRS 281.811, KRS 281.812, or KRS 281.815 (1), (3) until the owner has presented a tax receipt showing that the ad valorem tax on each vehicle has been paid or was not subject to tax on January 1.

(6) Any owner of any vehicle who does not agree with the assessed valuation placed upon his vehicle or vehicles by the sheriff shall have the right to appeal such assessment to the Board of Supervisors which convenes as set out in KRS 133.030, or as provided by other taxing jurisdictions involved. The appeal shall be filed and treated as appeals on other property. An owner of a vehicle who appeals the assessment on his vehicle shall pay to the sheriff the tax due on the contested as well as the uncontested portion of the assessment. The sheriff shall hold in a safe depository the tax paid on the contested portion. If the final review authority as set out in KRS 133.120, or as provided by other taxing jurisdictions involved, decreases the assessed valuation as determined by the sheriff, the sheriff shall cause to be refunded to the owner that portion of the tax paid over and above the correct amount. If the final review authority sustains the assessed valuation as originally determined by the sheriff, the sheriff shall pay over to the state, county, and other taxing districts for whom the taxes were collected the taxes withheld on the contested portion of the assessed valuation. All taxes collected on vehicles by the sheriff shall be paid and reported to the various taxing districts as other ad valorem taxes are paid and reported.

(7) Every corporation, company, association, partnership, or person whose property is centrally assessed under Chapter 136 of the Kentucky Revised Statutes and who owns a motor vehicle subject to ad valorem taxes shall assess and pay the taxes as now provided

by Chapter 136 of the Kentucky Revised Statutes. The county court clerk shall not register any vehicle or the Department of Motor Transportation shall not issue a permit required by Kentucky Revised Statutes 281.811, 281.812 or 281.815 (1) and (3) upon a vehicle until the owner has presented a receipt from the Department of Revenue showing the ad valorem tax has been paid on each vehicle, or an indemnity bond posted with the Department of Revenue to cover such taxes due, or that no tax was due.

(8) It is the intent of the legislature that motor vehicles assessable under this Act not be assessed for taxes by the county tax commissioners as of January 1, 1957, but that motor vehicles be assessed and the taxes paid as set forth in this Act based on ownership of such vehicles as of January 1, 1958. The applicable rate shall be the rate in effect as of July 1, preceding the assessment date for other tangible property not carrying a special rate. The ad valorem taxes on such motor vehicle will be received by the state, county, and other taxing districts in the same fiscal year as ad valorem taxes on other property which was assessed as of January 1, 1957, or December 31, 1956.

(9) The owner who wants to register his vehicle before January 1 for the succeeding year shall assess and pay the ad valorem taxes due thereon and shall be deemed the owner of the vehicle as of the following January 1. Any taxes collected prior to the January 1 assessment date shall be held in escrow by the sheriff until his January report is made. If the vehicle which has been registered and the tax paid prior to January 1 is destroyed or damaged prior to January 1, the owner thereof must file a claim for refund of taxes from the sheriff on or before January 15. Such claims for refund shall be review as provided in Section 6 of this Act.

(10) Any city or other taxing district may contract with the sheriff for assessment and collection of the ad valorem taxes due on vehicles under this Act. The sheriff shall not receive more than four per cent commission for his services for collecting and reporting funds due any such taxing district. The compensation of the sheriff for collecting all taxes shall not exceed that which is authorized in KRS 134.290 (3).

(11) Section 132.590 of the Kentucky Revised Statutes is amended to read as follows:

(1) In the calendar year 1957 and thereafter, the compensation of the county tax commissioner shall be computed on the basis of ten cents on each one hundred dollars of the first two and one-half million dollars and two cents on each one hundred dollars of the excess over two and one-half million dollars of the annual assessment. However, each county tax commissioner shall receive a minimum monthly payment of two hundred dollars as part or all of his compensation.

(2) In counties in which the assessed value of property exceeds ten million dollars, the county tax commissioner shall be allowed by the state as compensation to his deputies and for other authorized

expenditures two cents on each one hundred dollars of the property assessed in excess of ten million dollars, but the total sum allowed to any county tax commissioner as deputy hire and for other authorized expenditures shall not exceed twenty thousand dollars in any county except in a county having a city of the first class, which shall be governed by KRS 132.630. No state funds available to any county tax commissioner as compensation for deputies or for other authorized expenditures shall be paid without authorization of the Department of Revenue prior to the employment by the tax commissioner of deputies or other assistants or the incurring of other expense.

(3) Each county fiscal court shall annually allow and pay to the county tax commissioner for deputy allowance, supplies, maps, and equipment, travel allowance for himself and his deputies, and other expenses of his office, two hundred dollars for the first million dollars of assessment and ¾ of one cent for each hundred dollars of assessment in excess of one million dollars, but the total sum to be paid by the fiscal court to any tax commissioner shall not exceed ten thousand dollars. Each county tax commissioner shall, on or before December 1, file with the fiscal court a detailed report on all expenditures for the preceding fiscal year of funds allowed by the county, and one copy of the report shall be filed with the Department of Revenue. On or before December 1, the county tax commissioner shall refund to the county treasury the unspent balance of funds remaining from the contribution allowed by the county for the preceding fiscal year.

(4) The county tax commissioner shall not receive more than $7,200 for his personal services incident to any assessment. However, the maximum compensation for any county tax commissioner shall not exceed the highest compensation, including salary and fees, approved by the fiscal court for any other county official.

(12) Section 133.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) In the calendar year of 1957 and each year thereafter the county clerk shall be allowed seventeen cents for each tax bill made out for the sheriff or collector under the provisions of KRS 133.220, and fifty cents for each tax bill made out in case of an omitted assessment. He shall not be paid any part of his compensation by the state where the taxpayer has no property subject to taxation for state purposes.

(2) The county clerk shall present his account to the county court, verified by his affidavit together with his receipt from the sheriff for the tax bills and his receipt from the Department of Revenue for the recapitulation sheets. If found correct, the court shall allow the account, and order one-half of it paid out of the county levy and the other one-half out of the State Treasury. The county clerk shall certify the allowance to the Department of Finance, which shall draw a

warrant on the State Treasurer in favor of the county clerk for the state's one-half.

(13) KRS 132.485 is hereby repealed.

(14) It is not the intention of the legislature to repeal any section of the Kentucky Revised Statutes except 132.485 now providing for the assessment, levy and collection of ad valorem taxes on tangible personalty including motor vehicles. Any city or other taxing district may elect to continue the assessment, levy and collection of ad valorem taxes as is otherwise provided by law for the respective taxing districts.

HB 511: AN ACT appropriating twenty thousand dollars to be used for the old Governor's Mansion.

WHEREAS, the Joint Committee appointed under the provisions of Senate Resolution 44 have investigated the conditions and needs of the old Governor's Mansion, and find that the condition of the old Governor's Mansion are such that repairs, replacement of furniture, carpeting and appliances are urgently needed,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the General Expenditure Fund to the Department of Finance the sum of twenty thousand dollars to be used for the reconditioning of the old Governor's Mansion, replacement of carpeting, furniture and appliances therein, as may be needed, and making such interior decorations as may be necessary.

Section 2. In order to carry out the provisions of section 1 of this Act, The Commissioner of Finance shall cause specifications to be drawn and shall send all contractors or suppliers in the state engaged in this field invitations to bid on performing the needed services and the furnishing of the needed suplies. The contract or contracts for performing the needed services and furnishing supplies shall be awarded to the lowest and best bidder or bidders.

Section 3. The Commissioner of Finance is hereby authorized to employ architects, interior decorators and engineers as advisers in carrying out the provisions of section 1 of this Act.

Section 4. Whereas, the condition of the old Governor's Mansion is such that the repairing and refurnishing of same is urgently needed, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

HB 512: AN ACT appropriating two hundred thousand dollars to be used for the Executive Mansion.

WHEREAS, the Joint Committee appointed under the provisions of Senate Resolution 11 have investigated the conditions and needs of the Executive Mansion, and find that the condition of the Executive Mansion are such that repairs, replacement of furniture, carpeting and appliances are urgently needed.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby apropriated out of the General Expenditure Fund to the Department of Finance the sum of two hundred thousand dollars to be used for the reconditioning of the Executive Mansion, replacement of carpeting, furniture and appliances therein, as may be needed, and making such interior decorations as may be necessary.

Section 2. In order to carry out the provisions of Section 1 of this Act, the Commissioner of Finance shall cause specifications to be drawn and shall send to all contractors or supplier in the state engaged in this field invitations to bid on performing the needed services and the furnishing of the needed supplies. The contract or contracts for performing the needed services and furnishing supplies shall be awarded to the lowest and best bidder or bidders.

Section 3. Any carpeting, furniture, appliances or other accessories which now may be in the Executive Mansion and which are unsuitable for the Executive Mansion but may be suitable for use in the old Governor's Mansion may be transferred from the Executive Mansion to the old Governor's Mansion on order of the Commissioner of Finance.

Section 4. The Commissioner of Finance is hereby authorized to employ architects, interior decorators and engineers as advisers in carrying out the provisions of Section 1 of this Act.

Section 5. Whereas, The condition of the Executive Mansion is such that the repairing and refurnishing of same is urgently needed, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

HB 513: AN ACT relating to penalties for traffic violations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2), and (5) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS

189.100, 189.110, 189.130 to 189.160, subsections (2) and (4) of KRS 189.190 KRS 189.200, 189.290, 189.300 to 189.360, subsection (2) of KRS 189.370, KRS 189.380, KRS 189.390, KRS 189.400 to 189.430, 189.450 to 189.480, subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, or KRS 189.570 to 189.630, except subsection (1) of KRS 189.580, shall be fined not less than five dollars nor more than one hundred dollars for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than ten dollars nor more than five hundred dollars, or imprisoned in the county jail for not more than one year, or both.

HR 37: A JOINT RESOLUTION authorizing civil action against the Commonwealth in the interest of H. B. Wilson.

WHEREAS, it appears by affidavit that on April 11, 1951, H. B. Wilson suffered permanent injury in an accident connected with road work on the Harrisonville-Mt. Eden Road project Number 106-446-ICA in Shelby County;

WHEREAS, it appears that the damages arising from the accident may have been sustained as a proximate result of negligence on the part of the Commonwealth or its employes; and

WHEREAS, the amount of the damages claimed exceeds the jurisdiction of the Board of Claims;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That H. B. Wilson, is authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Shelby Circuit Court, for damages allegedly resulting from negligence on the part of employes of the Department of Highways in connection with roadwork in Shelby County on April 11, 1951; that said action will be commenced within one year from the effective date of this Resolution and that no plea of limitations will be interposed if commenced within that time;

Section 2. That suit shall be for a sum not in excess of twenty thousand dollars.

Section 3. That the Attorney General may investigate this claim and settle it before or after suit is filed, if he deems it advisable.

Section 4. That any amount recovered in this action, either by settlement or judgment shall be paid out of the Road Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer;

Section 5. That in the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals.

Section 6. That no statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and that this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

HR 49: A JOINT RESOLUTION authorizing Mrs. W. E. Taylor and W. E. Taylor, of Rockcastle County, to sue the Department of Welfare and the Commonwealth of Kentucky, or either.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Mrs. W. E. Taylor and W. E. Taylor are hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Welfare, or either, in the Rockcastle Circuit Court for damages sustained by them by reason of a breach of contract on the part of the Commonwealth of Kentucky and the Department of Welfare, or either, acting through their agents, servants and employes, who were then acting within the scope of their authority.

Section 2. That said action shall be for a sum not in excess of nine hundred and fifty dollars.

Section 3. That the action herein authorized and permitted may be brought in Rockcastle Circuit Court, same being the circuit court having jurisdiction in Rockcastle County, Kentucky, the county in which the contract was entered into and in which the breach occurred and the damages were incurred. Said suit shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That the Attorney General may investigate the claim herein referred to and settle said claim before or after suit is filed, if in his opinion such settlement is for the best interest of the Commonwealth of Kentucky and the Department of Welfare. Any sum recovered in said suit or by settlement with the Attorney General shall be paid out of the Welfare Fund.

Section 5. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky as in any other civil suit.

Section 6. No statement in this Resolution shall be considered by either the court or jury as an admission of fault on the part of the Commonwealth of Kentucky and the Department of Welfare, or either, and this Resolution shall not be introduced as evidence or commented upon by counsel in arguments to the jury.

SB 112: AN ACT relating to the appellate civil jurisdiction of the Court of Appeals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 21.080 of the Kentucky Revised Statutes is amended to read as follows:

When the amount in controversy is as much as two hundred dollars, exclusive of interest and costs, and less than twenty-five hundred dollars, an appeal may be applied for by paying the tax and complying with such rules governing such application as shall be promulgated therefor by the Court of Appeals. If such court decides that an appeal should not be granted, the application may be denied by order without a written opinion. If the court decides that an appeal should be granted further steps shall be taken as may be provided by such rules.

SB 171: AN ACT providing for an alternate method of financing the operation of a county law library in counties containing a city of the third class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That any county containing a city of the third class may adopt the following method of financing the cost of operation and maintenance of the county law library, in lieu of the method set out in KRS 172.130:

(1) Upon petition of three-fourths of the duly licensed and practicing attorneys resident in the county, addressed to the circuit judge of the county, to the effect that they, as officers of the various courts of the county, recognize the need of a more adequate county law library, there being attached to said petition an attested copy of a resolution of the fiscal court of the county endorsing the adoption of this optional method of financing the cost of operation and maintenance of the county law library, the circuit judge shall enter an order upon the official order book of the circuit court of the county, noting that said optional plan for the financing of the cost of operation and maintenance of the county law library has been adopted.

(2) The order shall set forth the names of each duly licensed and practicing attorney signing said petition, and the county court order book and page number containing the resolution of the fiscal court.

(3) The order shall order and direct the following:

(a) That the clerk of the circuit court shall forthwith cause to be delivered to the clerk of every court in the county, including quarterly, county, justices', and city or police courts, a certified copy of the order.

(b) That upon receipt of notice by the clerks of said courts of the entry of the order, there shall be taxed as costs in all actions (except examining trials and felony trials) thereafter instituted in said courts the following fee, which shall be designated as county law library fee, to-wit: in quarterly, county, justices', and city or police courts, the sum of fifty cents; in circuit courts, on all civil actions, the sum of one dollar; and on all misdemeanor trials, the sum of fifty cents.

(c) That the clerks of the various courts shall, at the end of each month, pay all sums collected as county law library fee in their respective courts, during the preceding month, to the trustees of the county law library, and the clerks shall make a full report with said payment, and receive a receipt for all payments.

Section 2. Upon adoption of this optional method of financing a county law library in counties containing a city of the third class, the funds derived from the county law library fee shall be designated county law library fund, and said fund shall be under the sole and full control of the trustees of the county law library.

Section 3. (1) Upon the adoption of this optional plan, the circuit judge shall appoint one member of the county's bar, and the members of the county's bar shall, by majority vote, elect another of their number, which two attorneys shall, with the county attorney of the county, constitute and be designated as "Trustees,---------- ------------County Law Library."

(2) The trustees shall serve for a term of two years or until their successors are elected or qualified.

(3) The trustees shall be in charge of the county law library, and they shall make purchases of the various state and federal case reports, text books, legal encyclopedae, and all other books usually incident to or customarily found in law libraries, or necessary to the protection of the rights of litigants, and they shall cause same to be properly arranged in the county law library, directing the ex-officio librarian in the exercise of his duties.

(4) The trustees shall exercise their absolute discretion in the purchase of books, pamphlets, periodicals, and other material, but they shall not contract for any such purchases so as to create an indebtedness greater than the anticipated revenue for the following eighteen months, the anticipated revenue being based upon the preceding eighteen months' revenue, and any indebtedness of the county law library fund shall not be considered in any way an indebtedness of the county, but shall be an indebtedness of the county law library fund only, and all creditors must look only to the county law library fund for satisfaction of their indebtedness.

(5) The trustees shall designate one of their number as treasurer and he shall be accountable for the receipt, deposit, and disbursement of all sums received for the operation of the county law library. He shall be bonded by a corporate bond, the cost of which shall be paid out of the receipts of the library fund. He shall deposit all sums received by him as treasurer in a regular banking depository,

and he shall pay for all purchases made by the trustees by check or draft, keeping a true and accurate account of all sums received and expended by him. He shall annually file a written report with the circuit judge of the county showing all sums received by him, together with the court from which they were received, and an itemized statement of all expenditures made by him. The treasurer shall turn all funds over to his successor, together with a full inventory of the county law library, and together with a full and complete itemized statement of all outstanding accounts.

SR 17: A JOINT RESOLUTION authorizing and directing payment of a claim of the American Hardware and Furniture Mart.

WHEREAS, In May of 1953, the American Hardware and Furniture Mart, Bowling Green, Kentucky, furnished certain materials in the amount of $74.80 to the Kentucky Department of Highways; and

WHEREAS, through inadvertence, this account has never been paid;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Department of Highways is authorized and directed to pay to the American Hardware and Furniture Mart of Bowling Green, Kentucky, out of the State Road Fund, the sum of $74.80 for materials furnished.

Section 2. Whereas, this claim is long overdue and to cause further delay in payment would be an injustice and a burden to a claimant, an emergency is hereby declared to exist and this Resolution shall become effective when passed and approved by the Governor.

SR 19: A JOINT RESOLUTION authorizing and directing payment of a claim of the Louisville and Nashville Railroad Company.

WHEREAS, in December, 1950 the Louisville and Nashville Railroad Company, of Louisville, Kentucky, furnished certain services in the amount of $270.05 to the Kentucky Department of Highways; and

WHEREAS, through inadvertence, this account has never been paid;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Department of Highways is authorized and directed to pay to the Louisville and Nashville Railroad Company, of

Louisville, Kentucky, out of the Road Fund of the department, the sum of $270.05 for services rendered.

Section 2. Whereas, this claim is long overdue and to cause a further delay would be an injustice and a burden, an emergency is hereby declared to exist and this Resolution shall become effective when passed and approved by the Governor.

SR 20: A JOINT RESOLUTION authorizing Mrs. Emma McCoun and Mrs. Orene Swango Davis to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Mrs. Emma McCoun and Mrs. Orene Swango Davis are authorized to sue, either jointly or severally, the Commonwealth of Kentucky and the Department of Highways, or either, in the Wolfe Circuit Court, for damages resulting to each of them from personal injuries and medical expenses caused by alleged negligence of the Commonwealth of Kentucky and the Department of Highways in the construction and maintenance of Kentucky Highway No. 15 in Wolfe County, Kentucky, on or about March 27, 1952.

Section 2. Said suit, or suits, shall be for a sum or sums not to exceed Twenty-five Thousand ($25,000.00) Dollars in each case.

Section 3. The Attorney General may investigate the claim or claims herein and settle each claim, or claims, before or after suit is filed, if he deems it advisable. Any amount recovered in said suit, or suits, or by settlement with the Attorney General, shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit or suits are filed and judgment rendered by the Circuit Court, either party, or parties, may appeal to the Court of Appeals of Kentucky.

Section 5. No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Section 6. No plea of limitations shall be interposed.

SR 25: A JOINT RESOLUTION authorizing Ora Mae Kincheloe, personal representative of the estate of Grover Cleveland Kincheloe, Sr., deceased, of Warren County, Kentucky, to sue the Department of Education and the Commonwealth of Kentucky and the Warren County Board of Education, either or all of them.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Ora Mae Kincheloe, personal representative of the estate of Grover Cleveland Kincheloe, Sr., deceased, be and she is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Education thereof, and the Warren County Board of Education, either or all of them, in such sum as will fairly and reasonably compensate the estate of said Grover Cleveland Kincheloe, Sr., deceased, for the injuries and damages, if any, sustained by said estate as a direct and proximate result of the negligence, if any, of the Commonwealth of Kentucky, the Department of Education thereof, and the Warren County Board of Education, their agents and employees, in approving, installing, operating and maintaining the gas system in the North Warren High School, Smiths Grove, Warren County, Kentucky.

Section 2. Said suit shall be for a sum not in excess of $10,000.00.

Section 3. That the action herein authorized and permitted may be brought in the Warren Circuit Court, same being the Circuit Court having jurisdiction in Warren County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be comemnced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Warren Circuit Court to the Court of Appeals of Kentucky as in any other civil suit, and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any civil action may be settled or adjusted. If recovery is had by suit or compromise, the amount so adjudged or compromised shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth or any of its officers, and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

SR 32: A JOINT RESOLUTION authorizing Charles McCuiston of Murray, Kentucky, to sue the Commonwealth of Kentucky, and the Department of Highways, or either.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Charles McCuiston (a married man under twenty-one years of age) of Murray, Kentucky is authorized to sue the Commonwealth of Kentucky, and the Department of Highways, or either in the Calloway Circuit Court for damage to his car together with the loss of the use of same, caused by the alleged negligence on the part of employees of the Department of Highways of Kentucky while said

employees were in the line of duty as employees of this Commonwealth.

2. Said suit shall be for a sum not in excess of six hundred dollars ($600).

3. The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deemes it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

4. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

State of Kentucky
County of Calloway, SCT

Affiant, Charles McCuiston, of Murray, Calloway County, Kentucky, being duly sworn, states:

1. That he is a citizen and a resident of Murray, Calloway County, Kentucky. And, that he is eighteen years of age and married.

2. That on or about the 29th day of April, 1955, a truck owned by the Department of Highways of the State of Kentucky, and operated by the agents and servants of said Highway Department—namely, Roland Walker, and/or, W. A. Finney and Gardy Smith, while said employees were in line of duty—did stop, headed South, on the paved portion of U. S. Highway #641 about one mile North of Murray, Kentucky.

3. That the point where said truck stopped was beyond the crest of a hill.

4. That the said agents and servants failed to put out traffic signs or post a flagman.

5. That as a result of this negligence on the part of the Highway Department and its agents and servants that your affiant, also going South, suddenly discovered his lane of traffic blocked by said truck. There was also a motor vehicle approaching in the opposite direction.

6. That, confronted with an emergency not of his own creation, your affiant was compelled to brake quickly and his car (a 1950 Chevrolet) was carried into the lane of traffic of the North bound car which struck and damaged affiant's car.

7. That affiant's car was in good mechanical condition.

8. Finally, that your affiant has suffered property damage and damage from the loss of the use of his car in the sum of approximately six hundred dollars ($600).

Subscribed and sworn to before me by Charles McCuiston this 17th day of January, 1956.

--------------------------------------, Notary Public

SB 170: AN ACT prohibiting solicitation of legal business with expectation of pecuniary reward therefor, and providing penalty for same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall procure or solicit any legal business for any attorney at law, under the expectation or promise, whether express or implied, of being paid in any manner.

Proof of solicitation or procurement of any legal business for any attorney at law shall be considered prima facie evidence that the solicitation or procurement was done for pecuniary reward.

Section 2. Any person who violates any provisions of Section 1 hereof shall be fined not more than one thousand dollars or imprisoned for not more than six months, or both.

SB 172: AN ACT relating to State universities and colleges.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 164.130 of the Kentucky Revised Statutes is amended to read as follows:

The government of the University of Kentucky is vested in a Board of Trustees consisting of the Governor, who shall be Chairman of the Board, the Superintendent of Public Instruction, the Commissioner of Agriculture, Labor and Statistics, and twelve competent citizens of Kentucky appointed by the Governor. The terms of appointed members shall be for four years and until their successors are appointed and qualify. Three of the twelve appointed members shall be appointed each year. Three of the appointed members shall be representative of agricultural interests, three shall be alumni of the University and six shall be other distinguished citizens of the state. The Governor shall so make the appointments as to divide the representation upon the Board, including the ex officio members, as nearly equally as possible between the two leading political parties of this state. Appointments to fill vacancies shall be made for the unexpired term in the same manner as provided for original appointments.

SB 193: AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) As used in this Act, unless the context otherwise requires:

(a) "Other evidence" means a statement signed by the sheriff of the county in which the owner of such motor vehicle resides, which statement may be stamped or written upon the back of the registration receipt or other receipt issued to the applicant for the preceding year.

(b) "Certificate" or "permit" means the certificate or permits required by KRS 281.615.

(2) No person residing in this state who is required by KRS 186.020 to 186.260 or Chapter 281 to register a motor vehicle in this state or to secure a permit or certificate therefor shall be issued a motor vehicle registration receipt or motor vehicle registration plate or any permit or certificate for such motor vehicle unless he shall, when applying for such receipt and plate or permit or certificate, submit to the Department of Motor Transportation or the county court clerk to which such application is made a tax receipt, or other evidence, showing that he has paid in full all taxes on all motor vehicles, subject to taxation in the county in which he resides, which during the year next preceding that for which such registration receipt and plate or permit or certificate are to be issued, fell due and payable by him to the state and to the county in which he resides. Any owner of a motor vehicle who was neither liable for the payment of nor subject to such state and county taxes falling due and payable during such preceding year, shall be deemed to have complied with the requirements of this section if, when applying for such motor vehicle registration receipt and plate or permit or certificate, he shall submit to the Department of Motor Transportation or the county court clerk to whom such application is made a signed statement from the tax commissioner of the county in which he resides, certifying that such owner was not liable for the payment of such taxes and was not subject to such taxes during such preceding year.

Section 2. (1) No person residing in any city in this state levying and collecting taxes on personal property who is required by KRS 186.020 to 186.260 to register a motor vehicle in this state or to acquire a certificate or permit by KRS 281.615, shall be issued a motor vehicle registration receipt or motor vehicle registration plate or certificate or permit, as the case may be, for such motor vehicle unless he shall when applying for such receipt and such plate or certificate or permit, submit to the Department of Motor Transportation or the county court clerk to whom such application is made, in addition to the information required in Section 1 of this Act, a tax receipt, or other evidence, showing that he has paid in full all taxes on all motor vehicles, which, during the year next preceding that for which such registration receipt and plate or certificate or permit are to be issued fell due and payable by him to the city in which he resides.

(2) An owner of a motor vehicle who was neither liable for the payment of nor subject to the city taxes referred to in subsection (1) of this section falling due and payable during the year next preceding that for which such motor vehicle registration receipt and plate or certificate or permit are to be issued, shall be deemed to have complied

with the requirements of subsection (1) of this section if, when applying for such motor vehicle registration receipt and plate or certificate or permit, he shall submit to the Department of Motor Transportation or the county court clerk to whom such application is made a signed statement from the official charged with the duty of assessing personal property in the city in which he resides, certifying that such owner was not liable for the payment of such taxes and was not subject to such taxes during such preceding year. Nothing contained in this subsection shall be construed to relieve any person of the necessity of complying with the requirements of Section 1 of this Act.

(3) In the event the city in which such owner resides has, pursuant to KRS 136.285, elected to adopt and use the annual assessment of the county in which such city is located as the basis upon which ad valorem tax levies on personal property are made by such cities, the statement referred to in subsection (2) of this section shall be procured from the tax commissioner of such county.

Section 3. Compliance with the provisions of Section 1 and 2 shall not relieve the owner of any motor vehicle of the necessity of fulfilling all other requirements prescribed by law for the registration of motor vehicles in this state.

SR 14: A JOINT RESOLUTION authorizing a civil action against the Commonwealth of Kentucky in the interest of Helen Klinglesmith.

WHEREAS, it appears from the accompanying affidavit that on the 4th day of November, 1954, Helen Klinglesmith was driving a vehicle which was struck by a truck belonging to the Kentucky Department of Highways resulting in damage to the person and property of Helen Klinglesmith;

WHEREAS, it further appears that the aforementioned damages may have been caused by negligence on the part of the Commonwealth or its employes; and

WHEREAS, the damages claimed are in excess of the jurisdictional amount limitations imposed by law on the Board of Claims;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Helen Klinglesmith, residing at 6009 Linda Road in Louisville, Kentucky is authorized to bring legal action against the Commonwealth of Kentucky or the Department of Highways, or either of them in the Jefferson Circuit Court for damages arising out of an accident which occurred on the 4th day of November, 1954, involving an agent or employe of the Department of Highways; that this action shall be commenced within one year from the effective date of this resolution and no plea of limitations shall be interposed if commenced within that time;

Section 2. That the suit shall be for a sum not in excess of fifteen thousand dollars.

Section 3. That the Attorney General of the Commonwealth of Kentucky may investigate this claim and settle it before or after suit is filed if he deems it advisable;

Section 4. That any amount recovered in this action, either by settlement or judgment, shall be paid out of the Road Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer;

Section 5. That in the event suit is filed and judgment rendered, either party may appeal to the Court of Appeals in the manner provided in the Rules of Civil Procedure; and

Section 6. That no statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Orders of the Day

SB 83 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 70—Barnum, Bates, Baumgardner, Blankenship, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Casey, Caudill, Conrad, Cornett, Davidson, Davis, Day, Dunsil, Embry, Everett, Flanery, Gay, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Hill, Hinkle, C. S. Howard, Isler, Johnson, Lowman, Mackey, Martin, McFadden, Melton, Miller, Moore, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, R. Reid, Sr., Reynolds, Searcy, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 0. **SB 83** was passed and the title agreed to.

Representative Burnley stated during open Session that if he had the opportunity, he would vote yea to table Representative Murphy's motion on **HB 176.**

Recess

Representative Morgan moved to recess 45 minutes for lunch. Agreed.

"Miss Kentucky", Miss Ann Shirley Gillock, Carrollton, Kentucky, was introduced and presented with a bouquet of roses.

At the appointed time, the Speaker called the House to order.

Representative Lambert moved that when House adjourns today, it do so in memory and honor of, and respect for, Abraham Lincoln.

Orders of the Day

HB 250 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Weintraub moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 42—Barnum, Baumgardner, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Casey, Cornett, Davidson, Davis, Day, Dunsil, Embry, Everett, Flanery, Greene, Grigsby, Gullette, Heyburn, Hinkle, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Martin, Miller, Moore, Morgan, Murphy, Parrish, Ray, Searcy, Stith, Thomas, Thompson, Walsh, Wathen, Weintraub, L. B. Wells, Wirsch, Young. Nays 18—Blankenship, Blue, Freeman, Grundy, Hawkins, Hill, Hilton, Lambert, Lowman, McCallum, McFadden, Melton, Mullins, Nunn, Pollitte, Ratcliffe, V. Reed, L. B. Wells. **HB 250** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 227 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 62—Barnum, Bates, Baumgardner, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Casey, Caudill, Cornett, Davis, Day, Dunsil, Embry, Everett, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn Hawkins, Heskamp, Hilton, Hinkle, C. S. Howard, Isler, Johnson, Kubale, Lowman, Mackey, McCallum, McFadden, Melton, Miller, Morgan, Murphy, Newsom, Nunn, Parrish, Pollitte, Ratcliffe, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Thomas, Thompson, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Young. Nays 0. **HB 227** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 208 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Thompson moved to amend **HB 208** as follows: "Amend printed copy of HB 208 on page 2, section 1, line 17 by adding the words 'or else remove said motor vehicle from the public highways and not operate the same on the highways until said motor vehicle is repaired and placed in a safe condition'." Adopted.

HB 208 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 57—Barnum, Bates, Baumgardner, Blankenship, Breathitt, Breckinridge, Burnley, Bush, Caudill, Dunsil, Everett, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn Harris, Hawkins, Heskamp, Hill, Milton, Hinkle, Holsclaw, Isler, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, Melton, Miller, Moore, Murphy, Newsom, Nunn, Parrish, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, Searcy, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, Weintraub, Wilson, Wirsch, Young. Nays 1—L. B. Wells. **HB 208** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 124 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 44—Barnum, Baumgardner, Blankenship, Blue, Bridgers, Burnley, Bush, Casey, Caudill, Cornett, Davidson, Davis, Dunsil, Embry, Everett, Flanery, Greene, Grigsby, Hahn, Harris, Hawkins, Heyburn, Hill, Holsclaw, Isler, Johnson, Martin, McCallum, McFadden, Morgan, Mullins, Newsom, Nunn, Pollitte, Qualls, Ray, J. B. Reed, H. V. Reid, Reynolds, Tanner, Thomas, Wathen, Weintraub, Wilson. Nays 28—Bates, Breathitt, Breckinridge, Freeman, Grundy, Hilton, Hinkle, C. S. Howard, Lambert, Mackey, Melton, Miller, Moore, Murphy, Ockerman, Parrish, Ratcliffe, Rayburn, V. Reed, R. Reid, Sr., Searcy, Stith, Thompson, Walsh, A. W. Wells, L. B. Wells, Williamson, Young. **SB 124** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

Reconsideration

Representative Morgan moved reconsideration of the vote by which **HB 362** was defeated. Representative Hilton moved to vote by division. Agreed. The motion to reconsider was adopted by division vote.

Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 60—Barnum, Bates, Baumgardner, Blankenship, Blue, Bridgers, Burnley, Bush, Casey, Cornett, Cottengim, Davis, Dunsil, Embry, Everett, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hahn, Harris, Hawkins, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Lowman, McCallum, Melton, Miller, Moore, Morgan, Newsom, Pollitte, Qualls, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, Reynolds, Searcy, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 6—Breathitt, Breckinridge, Day, McFadden, R. Reid, Sr., Williamson. **HB 362** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SENATE MESSAGE

Senate message announcing passage of **HB 86, HB 135, HB 161, SB 153, SB 195, SB 198, SB 200, SB 216, SR 52** read by Clerk.

Orders of the Day

HB 381 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Representative Lowman moved adoption of the committee substitute. Agreed. Read at lenth the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 47—Bates, Blankenship, Breathitt, Burnley, Bush, Casey, Cornett, Davis, Dunsil, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heskamp, Hill, Hilton, Holsclaw, C. S. Howard, Isler, Johnson, Lowman, Moore, Mullins, Murphy, Newsom, Nunn, Ockerman, Pollitte, Ray, J. B. Reed, V. Reed, H. V. Reid, Reynolds, Searcy, Stith, Tanner, Thompson, Wathen, A. W. Wells, L. B. Wells, Wilson, Wirsch. Nays 1—R. Reid, Sr. **HB 381** was passed and the title agreed to.

Representative Morgan moved that the motion by which same was passed be reconsidered and the motion laid on the table. Agreed.

HB 366 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at lenth the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 41—Bates, Blue, Breathitt, Breckinridge, Burnley, Bush, Caudill, Davis, Everett, Flanery, Freeman, Greene, Gullette, Harris, Hawkins, Heyburn, Hilton, Hinkle, Holsclaw, Isler, Johnson, Kubale, Lowman, Mackey, McCallum, Melton, Morgan, Murphy, Ockerman, Pollitte, Ray, V. Reed, H. V. Reid, Searcy, Stith, Thompson, Wathen, A. W. Wells, Williamson, Wirsch, Young. Nays 7—Casey, Cornett, Hill, Martin, Mullins, J. B. Reed, L. B. Wells. **HB 366** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

Introduction of Bills and Resolutions

HB 514, by Representative Thompson: AN ACT relating to real estate brokers and salesmen.

HB 515, by Representative Morgan: AN ACT relating to insurance.

HB 516, by Representative Rayburn: AN ACT relating to distilled spirits tax.

HB 517, by Representative Isler: AN ACT to authorize the procurement and award of a military service medal to be known as the Conspicuous Service Cross to Kentucky War Veterans having received a citation or the Purple Heart Medal; and appropriating money therefor.

HB 518, by Representative Wathen: AN ACT regulating transient merchants and prescribing penalties.

HR 55, by Representative Hill: A JOINT RESOLUTION authorizing Bill Stumbo to sue the Department of Highways and the Commonwealth, or either.

Representative Morgan moved to adjourn until 10 A.M., February 11. Agreed.

SATURDAY, FEBRUARY 11, 1956

THIRTY-THIRD LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Robert J. Laughlin, First Presbyterian Church, Frankfort.

Roll Call showed all present except Anderson, Barnum, Baumgardner, Beshear, Billington, Blue, Buchanan, Burnley, Carter, Casey, Conrad, Dunsil, Freeman, Gay, Griffin, Harris, Heskamp, Highland, Hislope, D. W. Howard, Jennings, Lambert, Lowman, Martin, McCallum, McFadden, McKinney, Melton, Miller, Nunn, Nunnelley, Peace, Pollitte, Qualls, Ratcliffe, Rayburn, Saylor, Sloan, Thomas, Tinsley, Walsh, L. B. Wells, who were granted leave of absence on motion of Representative Morgan.

Representative Isler moved that reading of February 10 Journal be dispensed with and that the same be approved. Agreed.

Calendar

HB 209, HB 261, HB 263, HB 276, HB 372, HB 385, HB 388, HB 393, HB 440, HB 449, HB 473, HB 497, HB 500, HB 503, HB 511, HB 512, HB 513, HR 37, HR 49, SB 112, SB 171, SR 17, SR 19, SR 20, SR 25, SR 32, SB 170, SB 172, SB 193 were taken form the Calender and ordered read at length for the second time. Ordered placed in Orders of the Day.

Orders of the Day

HB 217 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 52—Bates, Blankenship, Breathitt, Breckinridge, Bridgers, Bush, Caudill, Cornett, Cottengim, Davidson, Davis, Day, Embry, Everett, Farmer, Flanery, Grundy, Gullette, Hadden, Hahn, Hawkins, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Mackey, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Ray, J. B. Reed, V. Reed, H. V. Reid, Reynolds, Searcy, Stith, Tanner, Wathen, Weintraub, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 217** was passed and the title agreed to.

Representative Morgan moved that the vote by which the bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 306 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Weintraub moved to amend **HB 306** as follows: “Amend printed copy of HB 306 on page 1, line 9, delete the words 'presiding judge', being the last two words in line 9 of the printed bill, and substituting in lieu thereof the words 'fiscal court'." Adopted.

HB 306 as amended read at length the third time. Representative Weintraub moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 46—Bates, Blankenship, Breathitt, Breckinridge, Bridgers, Bush, Caudill, Cornett, Cottengim, Davis, Day, Embry, Everett, Farmer, Flanery, Grundy, Gullette, Hadden, Hahn, Hawkins, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Mackey, Moore, Morgan, Mullins, Murphy, Ockerman, Parrish, Ray, V. Reed, H. V. Reid, Searcy, Stith, Tanner, Wathen, Weintraub, A. W. Wells, Wilson, Wirsch, Young. Nays 4—Davidson, Hill, Newsom, R. Reid, Sr. **HB 306** was rejected.

Representative Weintraub moved to lay **HB 306** on the Clerk's desk. Agreed.

SB 118 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Representative Breckinridge moved that **SB 118** lay on Clerk's desk until its meaning was clarified. Agreed.

SB 115 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Young moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 51—Blankenship, Breathitt, Bridgers, Bush, Caudill, Cornett, Cottengim, Davidson, Davis, Everett, Farmer, Flanery, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, man, Parrish, Ray, J. B. Reed, V. Reed, H. V. Reed, R. Reid, Sr., Searcy, Stith, Tanner, Thompson, Wathen, Weintraub, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **SB 115** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion be laid on the table. Agreed.

SB 117 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Young moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 51—Blankenship, Breathitt, Bridgers, Bush, Caudill, Cornett, Cottengim, Davidson, Davis, Everett, Farmtr, Flanery, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, man, Parrish, Ray, J. B. Reed, V. Reed, H. V. Reed, R. Reid, Sr., Searcy, Stith, Tanner, Thompson, Wathen, Weintraub, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **SB 117** was passed and the title agreed to.

SB 74 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 43—Bates, Blankenship, Breathitt, Breckinridge, Bridgers, Bush, Caudill, Cottengim, Davidson, Davis, Embry, Everett, Farmer, Flanery, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Moore, Morgan, Murphy, Ockerman, Ray, J. B. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Thompson, Wathen, Weintraub, A. W. Wells, Wirsch, Young. Nays 8—Day, Heyburn, Mackey, Mullins, Parrish, Tanner, Williamson, Wilson. **SB 74** was rejected.

Representative Morgan moved that the vote by which said bill was defeated be reconsidered and the motion laid on the table. Agreed.

Representative Morgan moved that **HB 306** be taken from Clerk's desk. Agreed.

Representative Weintraub moved to amend **HB 306** as follows: "Amend printed copy of HB 306, on page 1, lines 3, 4, 5 and part of 6. Delete all of lines 3, 4 and 5 and up to and including the word 'class,' in line 6, and substituting in lieu thereof the following: 'Reporters for circuit courts in counties containing a city of the second class and having two judges,'". Adopted.

HB 306 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 51—Blankenship, Breckinridge, Bridgers, Bush, Caudill, Cornett, Davidson, Davis, Day, Embry, Everett, Farmer, Flanery, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Mackey, McCallum, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Ray, J. B. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Tanner, Thompson, Wathen, Weintraub, A. W. Wells, Williamson, Wirsch, Young. Nays 0. **HB 306** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 118 taken from Clerk's desk on motion of Representative Morgan. Read at length for the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 50—Bates, Blankenship, Breathitt, Breckinridge, Bridgers, Bush, Caudill, Cornett, Cottengim, Davidson, Davis, Embry, Everett, Farmer, Flanery, Grigsby, Grundy, Gullette, Harris, Hawkins, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Mackey, McCallum, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Thompson, Wathen, A. W. Wells, Williamson, Wirsch, Young. Nays 0. **SB 118** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 463 taken from Orders of the Day on recommendation of the Rules Committee. Representative Wathen moved that it be placed on passage. Agreed.

Representative Wathen moved to amend **HB 463** as follows:

"Amend printed copy of 463 on pages 2 and 3, section 1, lines 35 to 41 inclusive; by striking the 'semi-colon' and inserting a 'period' after the word 'employer' on line 35; and by deleting and striking therefrom the words 'provided, however, that no credit will be given for service prior to the date on which the employee's membership would have ceased, in accordance with the provisions of section 6, if the system had been in existence when the employee was first employed; provided, however, that in such determination the requirement with respect to the member's not withdrawing his contribution shall not be applicable;' on lines 35 to 41 inclusive. Adopted.

HB 463 as amended read at length the third time. Representative Wathen moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 52—Bates, Blankenship, Breathitt, Breckinridge, Bridgers, Bush, Cornett, Cottengim, Davidson, Davis, Day, Everett, Farmer, Flanery, Greene, Grigsby, Grundy, Gullette, Hahn, Hawkins, Heyburn, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Mackey, McCallum, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Thompson, Wathen, Weintraub, A. W. Wells, Williamson, Wilson, Wirsch. Nays 0. **HB 463** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 15, SB 83** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Orders of the Day

SB 72 taken from Orders of the Day on recommendation of the Rules Committee. Representative Wathen moved that it be placed on passage. Agreed. Read at length the third time. Representative Wathen moved the Previous Question. Agreed.

On roll call, the vote was yeas 51—Bates, Breathitt, Breckinridge, Bridgers, Bush, Caudill, Cornett, Cottengim, Davidson, Davis, Embry, Everett, Farmer, Flanery, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Hill, Hilton, Hinkle, Holsclaw, C. S.

Howard, Isler, Johnson, McCallum, Moore, Mullins, Murphy, Newsom, Ockerman, Parrish, Ray, J. B. Reed, V. Reed, H. V. Reid R. Reid, Sr., Searcy, Stith, Thompson, Wathen, Weintraub, A. W. Wells, William son, Wilson, Wirsch, Young. Nays 0. **SB 72** was passed and the title agreed to.

HB 471 taken from Orders of the Day on recommendation of the Rules Committee. Representative Wathen moved that it be placed on passage. Agreed. Read at length the third time. Representative Wathen moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 53—Bates, Blankenship, Breckinridge, Bridgers, Bush, Caudill, Cornett, Cottengim, Davidson, Davis, Embry, Everett, Farmer, Flanery, Grigsby, Grundy, Gullette, Hadden, Hawkins, Heyburn, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Mackey, McCallum, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Stith, Tanner, Thompson, Wathen, Weintraub, A. W. Wells, Wilson, Wirsch, Young. Nays 0. **HB 471** was passed and the title agreed to.

Representative Wathen moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 389 taken from Orders of the Day on recommendation of the Rules Committee. Representative Wathen moved that it be placed on passage. Agreed. Read at length the third time. Representative Wathen moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 48—Blankenship, Breathitt, Breckinridge, Bridgers, Bush, Caudill, Cornett, Cottengim, Davidson, Davis, Day, Everett, Farmer, Flanery, Greene, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Hilton, Hinkle, Holsclaw, Isler, Johnson, Kubale, Mackey, McCallum, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Tanner, Wathen, Weintraub, A. W. Wells, Williamson, Wirsch, Young. Nays 2—Hill, J. B. Reed. **HB 389** was passed and the title agreed to.

Representative Wathen moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 302 taken from Orders of the Day on recommendation of the Rules Committee. Representative Wathen moved that it be placed on passage. Agreed.

Representative Day moved to amend **HB 302** as follows: "Amend printed copy of HB 302 on page 2, section 3, line 22 strike out period (.) at end of line 22 and add: 'for the remainder of his present term.'" Adopted.

HB 302 as amended read at length the third time. Representative Wathen moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 43—Bates, Breathitt, Breckinridge, Bridgers, Bush, Davidson, Davis, Day, Embry, Everett, Farmer, Fitzpatrick, Flanery, Greene, Grigsby, Grundy, Gullette, Hahn, Hawkins, Heyburn, Hill, Hilton, Hinkle, Holsclaw, Isler, Johnson, Kubale, Moore, Morgan, Mullins, Murphy, Newsom, Ray, J. B. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Wathen, Weintraub, Williamson, Wirsch, Young. Nays 7—Blankenship, Caudill, Cornett, Mackey, Parrish, Thompson, A. W. Wells. **HB 302** was passed and the title agreed to.

Representative Wathen moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

Senate Message

Senate message announcing passage of **SB 23, SB 185, SB 197, SB 226, SB 229, SB 236, SB 237, SR 51** read by Clerk.

Orders of the Day

HB 317 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 51—Bates, Baumgardner, Blankenship, Breathitt, Breckinridge, Bridgers, Bush, Caudill, Cornett, Cottengim, Davidson, Davis, Embry, Everett, Farmer, Flanery, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Hill, Hinkle, Holsclaw, C. S. Howard, Isler, Kubale, Mackey, McCallum, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Ray, J. B. Reed, H. V. Reid, Searcy, Stith, Tanner, Thompson, Wathen, Weintraub, A. W. Wells, Wirsch, Young. Nays 0. **HB 317** was passed and the title agreed to.

HB 151 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Morgan moved adoption of committee substitute for **HB 151**. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was: Yeas 51—Bates, Baumgardner, Blankenship, Breathitt, Breckinridge, Bridgers, Bush, Caudill, Cornett, Cottengim, Davidson, Davis, Embry, Everett, Farmer, Flanery, Greene Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Hill, Hinkle, Holsclaw, C. S. Howard, Isler, Kubale, Mackey, McCallum, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Ray, J. B. Reed, H. V. Reid, Searcy, Stith, Tanner, Thompson, Wathen, Weintraub, A. W. Wells, Wirsch, Young. Nays 0. **HB 151** was passed and the title agreed to.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 93, HB 86, HB 135, HB 136, HB 161, HB 201** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 93, HB 86, HB 135, HB 136, HB 161, HB 201, delivered, signed by President of the Senate. Ordered delivered to the Governor.

Representative Morgan moved to adjourn until 2 P.M., Tuesday, February 14. Agreed.

TUESDAY, FEBRUARY 14, 1956

THIRTY-FOURTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Edward L. Tullis, First Methodist Church, Frankfort.

Roll call showed all present except Beshear, Breathitt, Burnley, Casey, Davis, Embry, Grundy, Hadden, D. W. Howard, Lambert, Nunn, Nunnelley, H. V. Reid, Stith, Weintraub, Williamson, Young, who were granted leave of absence on motion of Representative Morgan.

Representative Isler moved that reading of February 11 Journal be dispensed with and that the same be approved. Ageed.

The Speaker appointed the following Committee to invite the Governor to address the House: Representatives Harris, Burnley, Davidson, Cottengim, Holsclaw.

Orders of the Day

HB 165, taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 66—Anderson, Barnum, Baumgardner, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Bush, Carter, Conrad, Cornett, Cottengim, Day, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Gullette, Hahn, Harris, Hawkins, Heskamp, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, Isler, Jennings, Johnson, Mackey, Martin, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Ockerman, Parrish, Pollitte, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, R. Reid, Sr., Saylor, Searcy, Sloan, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, Wirsch. Nays 0. **HB 165** was passed and the title agreed to.

Representative Morgan moved that the vote by which said Bill was passed be considered and the motion laid on the table. Agreed.

HB 291 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 65—Anderson, Barnum, Bates, Baumgardner, Blankenship, Bridgers, Buchanan, Bush, Carter, Caudill, Conrad, Cornett, Cottengim, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Gullette, Hahn, Harris, Hawkins, Heskamp, Highland, Hill, Hilton, Hinkle, Holsclaw, Isler, Jennings, Johnson, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Parrish, Peace, Pollitte, Qualls, Rayburn, J. B. Reed, V. Reed, R. Reid, Sr., Reynolds, Saylor, Sloan, Tanner, Thomas, Tinsley, Walsh, Wathen, L. B. Wells, Wirsch. Nays 3—Mackey, Searcy, A. W. Wells. **HB 291** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 398 taken form Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length for the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 83—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Bush, Carter, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Tanner, Thomas, Thompson, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch. Nays 0. **HB 398** was passed and the title agreed to.

HB 400 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 83—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Bush, Carter, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hahn, Harris, Hawkins, Heskamp Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Tanner, Thomas, Thompson, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch. Nays 0. **HB 400** was passed and the title agreed to.

HB 403 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 83—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Bush, Carter, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Tanner, Thomas, Thompson, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch. Nays 0. **HB 403** was passed and the title agreed to.

HB 481 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 81—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Bush, Carter, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Tanner, Thomas, Thompson, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch. Nays 2—Heskamp, Reynolds. **HB 481** was passed and the title agreed to.

HB 483 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 83—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Bush, Carter, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcillfe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Tanner, Thomas Thompson Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch. Nays 0. **HB 483** was passed and the title agreed to.

HB 495 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed, Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 78—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Carter, Caudill, Conrad, Cornett, Davidson, Davis, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, D. W. Howard, Isler, Johnson, Kubale, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Tanner, Thompson, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch. Nays 0. **HB 495** was passed and the title agreed to.

Senate Message

Senate message announcing passage of **HR 25** with Senate amendment, **SB 168, SB 204, SB 234, SR 63,** read by the Clerk.

Representative Morgan moved that the House concur in the following Senate amendment to **HR 25:**

Amend printed copy of House Resolution 25 on Page 3, Section 5, Lines 1 and 2.

by deleting the words:

"That the sum of two thousand dollars ($2,000.00) be and hereby is, appropriated for the biennium" and inserting in lieu thereof:

"That there is appropriated to the Governor's office out of the General Expenditure Fund in the State treasury the sum of two thousand dollars, which sum shall be available during the 1956-57 fiscal year, and without lapse, during the 1957-58 fiscal year." Adopted.

On roll call, the vote was yeas 67—Anderson, Barnum, Bates, Baumgardner, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Bush, Caudill, Conrad, Cornett, Cottengim, Dunsil, Everett, Farmer, Flanery, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hahn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard Isler, Jennings, Johnson, Mackey, Martin, McCallum, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, Searcy, Sloan, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wirsch. Nays 0. **HR 25** was passed and the title agreed to.

Orders of the Day

HB 278 taken from Orders of the Day on recommendation of the Rules Committee. Represntative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 44—Anderson, Barnum, Bates, Billington, Blankenship, Blue, Breathitt, Bridgers, Buchanan, Carter, Davidson, Davis, Dunsil, Everett, Farmer, Gay, Greene, Griffin, Grigsby, Gullette, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Jennings, McCallum, Morgan, Newsom, Pollitte, H. V. Reid, Sloan, Tanner, Thomas, Tinsley, Wathen, L. B. Wells, Wirsch. Nays 31—Baumgardner, Bush, Caudill, Conrad, Cornett, Day, Flanery, Freeman, Grundy, Hilton, Isler, Kubale, Lambert, Lowman Mackey Martin, Melton, Miller, Moore, Parrish, Peace, Ratcliffe, Rayburn, R. Reid, Sr., Saylor, Searcy, Stith, Thompson, Walsh, A. W. Wells, Williamson. **HB 278** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 456 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 30—Baumgardner, Billington, Blankenship, Breathitt, Caudill, Cornett, Cottengim, Davis, Day, Farmer, Flanery, Harris, Heyburn, Hilton, C. S. Howard, Isler, Johnson, Lowman, McCallum, Melton, Miller, Moore, Morgan, Murphy, Newsom, Pollitte, H. V. Reid, Searcy, Tanner, Walsh. Nays 45—Blue, Bridgers, Buchanan, Bush, Conrad, Davidson, Dunsil, Everett, Freeman, Gay, Griffin, Grigsby, Grundy, Gullette, Hahn, Heskamp, Highland, Hill, Hinkle, Hislope, D. W. Howard, Jennings, Kubale, Lambert, Mackey, Martin, McFadden, McKinney, Mullins, Parrish, Peace, Qualls, Rayburn, J. B. Reed, V. Reed, R. Reid, Sr., Reynolds, Saylor, Sloan, Stith, Thomas, A. W. Wells, L. B. Wells, Williamson, Young. **HB 456** was defeated.

Representative Morgan moved that the vote by which said bill was defeated be reconsidered and the motion laid on the table. Agreed.

HB 488 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 71—Anderson, Barnum, Bates, Baumgardner, Blankenship, Breathitt, Breckinridge, Bridgers, Buchanan, Bush, Carter, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Farmer, Flanery, Freeman, Greene, Griffin Grigsby, Grundy, Gullette, Hahn, Harris, Hawkins, Heyburn, Highland, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Murphy, Nunn, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, R. Reid, Sr., Reynolds, Searcy, Sloan, Stith, Thomas, Thompson, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 4—D. W. Howard, Kubale, Mullins, J. B. Reed. **HB 488** was passed and the title agreed to.

Representative Morgan moved that the vote by which said Bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 146 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Blankenship moved to amend **HB 146** as follows: "Amend printed copy of H.B. 146 on page 3, section 10, line A. Any person who violated Subsection (2) of K.R.S. 189.520 shall be fined, for the offense, not less than $100.00 nor more than $500.00 and imprisoned not less than three nor more than thirty days, and for each subsequent offense he shall be fined not less than one hundred nor more than five hundred dollars and imprisoned for not less than three days nor more than thirty days." Adopted.

HB 146 as amended read at length the third time. Representative Blankenship moved the Previous Question. Agreed.

On roll call, the vote was yeas 39—Anderson, Bates, Blankenship, Buchanan, Caudill, Conrad, Cornett, Davidson, Day, Flanery, Freeman, Gay, Gullette, Hahn, Harris, Heskamp, Heyburn, Hislope, D. W. Howard, Jennings, McCallum, McFadden, McKinney, Melton, Morgan, Mullins, Nunn, Pollitte, Qualls, Ratcliffe, Rayburn, R. Reid, Sr., Saylor, Searcy, Sloan, Tanner, Thompson, Wathen, A. W. Wells. Nays 27—Baumgardner, Blue, Breathitt, Breckinridge, Bridgers, Davis, Everett, Farmer, Griffin, Grisgby, Highland, Hill, Hilton, Hinkle, Isler, Mackey, Martin, Murphy, Ockerman, Parrish, Peace, Ray, J. B. Reed, Stith, Walsh, L. B. Wells, Williamson. **HB 146** was defeated.

Report on Enrolled Bills

The Committee on Enrollment reported that **SB 72, SB 74, SB 115, SB 117, SB 118, SB 124** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open Session by the Speaker. Ordered delivered to the Senate.

HB 86, HB 93, HB 135, HB 136, HB 161, HB 201 signed by President of the Senate. Ordered delivered to the Governor.

Orders of the Day

HB 225 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Day moved to amend HB 225 as follows: "Amend printed copy of HB 225 on page 8, section 17, line 4 By adding the following after the word both. 'Each sale by a Wholesale dealer or a retail dealer shall be considered a separate offense'." Adopted.

HB 225 as amended read a length the third time. Representative Day moved the Previous Question. Agreed.

On roll call, the vote was yeas 54—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breckinridge, Bridgers, Buchanan, Conrad, Cottengim, Davidson, Davis, Day, Dunsil, Everett, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hinkle, C. S. Howard, Isler, Jennings, Johnson, McFadden, McKinney, Melton, Miller, Moore, Morgan, Murphy, Nunn, Parrish, Qualls, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Tanner, Thomas, Walsh, Wirsch, Young. Nays 26—Carter, Caudill, Embry, Hawkins, Heskamp, Heyburn, Hill, Hilton, Hislope, D. W. Howard, Lambert, Mackey, Martin, Mullins, Newsom, Ockerman, Peace, Pollitte, Ratcliffe, J. B. Reed, Saylor, Sloan, Thompson, Wathen, A. W. Wells, L. B. Wells. **HB 225** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be recconsidered and the motion laid on the table. Agreed.

HB 328 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 74—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Carter, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Johnson, Lambert, Mackey, Martin, McFadden, McKinney, Melton, Miller, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson, Tinsley Walsh, Wathen, A. W. Wells, L. B. Wells, Wirsch, Young. Nays 1—J. B. Reed. **HB 328** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 329 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 74—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Carter, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Johnson, Lambert, Mackey, Martin, McFadden, McKinney, Melton, Miller, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wirsch, Young. Nays 1—J. B. Reed. **HB** 329 was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 338 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 74—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breahitt, Breckinridge, Buchanan, Carter, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Johnson, Lambert, Mackey, Martin, McFadden, McKinney, Melton, Miller, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wirsch, Young. Nays 1—J. B. Reed. **HB** 338 was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 339 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 74—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Carter, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Johnson, Lambert, Mackey, Martin, McFadden, McKinney, Melton, Miller, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wirsch, Young. Nays 1—J. B. Reed. **HB** 339 was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 337 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 74—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Carter, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Johnson, Lambert, Mackey, Martin, McFadden, McKinney, Melton, Miller, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wirsch, Young. Nays 1—J. B. Reed. **HB 337** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

Representative Morgan moved that the Senate be instructed to return **SB 74** to the House. Agreed.

Recess

Representative Morgan moved to recess until 8 P. M. Agreed.

The Speaker called the House to order at the appointed time.

Representative Morgan moved to suspend the rules for a committee report. Agreed.

Report of Rules Committee

The Rules Committe reported **SB 59, SB 95, SB 101, SB 136, SB 145, SB 153, SB 169, SB 178, SB 182, SB 195, SB 198, SB 199, SB 203, SB 205, SB 212, SB 219, SB 226, SB 229, SB 231, SB 236, SB 237, HB 74, HB 244, HB 296, HB 305, HB 352, HB 374, HB 387, HB 395, HB 396, HB 397, HB 407, HB 408, HB 410, HB 413, HB 414, HB 420, HB 422, HB 423, HB 424, HB 432, HB 464, HB 472, HB 496, HB 499, HB 502, HB 508, HB 515, HB 516, HB 518, HB 519, SR 29** with expression of opinion that the same should pass. Said Bills read at length for the first time and ordered placed in the Calendar.

SB 59: AN ACT changing the classification of the City of Benton, in Marshall County.

WHEREAS, satisfactory information has been presented to the General Assesmbly that the population of the City of Benton, in Marshall County, is such as to justify its being classified as a city of the fourth class,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Benton, in Marshall County, is transferred from the fifth to the fourth class of cities.

SB 95, AN ACT relating to soil and water conservation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Sub-districts of a Soil Conservation District may be formed in a watershed area, as provided in this Act, to be known as Watershed Conservancy Districts, for the purpose of developing and executing plans and programs relating to any phase of conservation of water, water usage, flood prevention, flood control, erosion prevention and control of erosion, floodwater and sediment damages.

Section 2. The land area embraced in such districts must be contiguous and must lie within a well defined watershed. The area shall not include lands located within the boundary of any incorporated city or town, lands not included within a soil conservation district or lands embraced within another water conservancy district. Such districts may embrace lands lying in one or more soil conservation districts.

Section 3. When twenty-five or more landowners within a proposed watershed conservancy district, or, if less than fifty landowners are involved, a majority of the landowners in such proposed district, desire to form a watershed conservancy district, they shall file a petition with the board of supervisors of the soil conservation district. Such petition shall define the boundaries of the proposed district, the number of acres of land involved, reasons for requesting creation of such district, the proposed name for such watershed conservancy district, and other information pertinent to such proposal.

Section 4. If the proposed watershed conservancy district lies in more than one soil conservation district, the petition may be presented to the board of supervisors of any one of such districts and the supervisors of all such districts shall act as a joint board of supervisors in the formation and supervision of such a watershed conservancy district.

Section 5. (1) Within thirty days after such petition has been filed with the board of supervisors, it shall cause due notice to be given as provided in KRS 262.010 (4) of a hearing upon the practicability and feasibility of creating such sub-district. All interested parties shall have the right to attend such hearing and be heard. If it shall appear at the hearing that other lands should be included or that lands included in the petition should be excluded, the board of supervisors may permit such inclusion or exclusion, provided the land area involved still meets the requirements of Section 2 of this Act.

(2) If it appears upon the hearing that it may be desirable to include within the proposed district, territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of a further hearing shall be given throughout the entire area considered for inclusion in the district and a further hearing shall be held. After final hearing, if the board of supervisors determines, upon the facts presented at the hearing and upon other available information, that there is need, in the interest of the public health, safety and welfare for such a district to function in the territory considered, it shall make and record the determination and shall define, by metes and bounds or by legal subdivisions, the boundaries of the district.

(3) If the board determines after the hearing that it is not feasible for such district to function in the territory considered, it shall make and record the determination and shall deny the petition.

Section 6. After the board of supervisors has made and recorded a determination that there is need, in the interest of the public health, safety and welfare, for creation of the proposed watershed Conservancy district, it shall consider the question whether the operation of a district within the proposed boundaries with the powers conferred upon such districts in Section 10 of this Act is administratively practicable and feasible. To assist the board of supervisors in this determination, the board shall, within a reasonable time after entry of the finding that there is need for the organization of the district and the determination of the boundaries of the district, hold a referendum within the proposed district upon the proposition of the creation of the district. Due notice of the referendum shall be given as provided in KRS 262.010 (4). Such notice shall state the date of holding the referendum, the hours of opening and closing the polls, and shall designate one or more places within the proposed district as polling places. The board shall appoint a polling superintendent and other necessary polling officers giving equal representation to the proponents and opponents of the question involved.

Section 7. The question to be voted on shall be submitted by ballots upon which appear the words:

"For creation of------------------------------------Watershed Conservancy District"

"Against creation of-------------------------------Watershed Conservancy District"

A square shall follow each proposition. The ballot shall also contain a direction to insert an "X" mark in the square following one or the other of the propositions, as the voter may favor or oppose creation of the district. The ballot shall set forth the boundaries of the proposed district as determined by the board of supervisors.

Only owners of lands lying within the boundaries of the territory, as determined by such Board, shall be eligible to vote in the referendum. Qualified voters may vote by absentee ballot in such referendum undr rules and regulations prescribed by the board of supervisors.

Section 8. The votes shall be counted by the election officers at the close of the polls and report of the results along with the ballots delivered to the polling superintendent, who shall certify the results to the board of supervisors. If a majority of the votes cast favor creation of the district, the board of supervisors shall certify such results to the county court clerk in the county or counties involved. Upon proper recording of such action such watershed conservancy district shall be duly created. After recording, the certification shall be filed with the State Soil Conservation Committee.

Section 9. (1) Within thirty days after a Watershed Conservancy District is created, the board of supervisors shall cause an election to be held therein, for the election of a board of directors consisting of five members, who shall hold office for a term of four years. Such board of directors shall, under the supervision of the board of supervisors, be the governing body of the watershed conservancy district.

(2) If the territory embraced within a watershed conservancy district lies within more than one soil conservation district, each of said additional districts with minority of the land involved in the watershed shall be entitled to elect three additional directors.

(3) The board of directors shall annually elect from its membership a chairman, secretary, and treasurer. The treasurer shall execute an official bond for the faithful performance of the duties of his office to be approved by the board of directors. Such bond shall be executed with at least three solvent personal sureties whose solvency must exceed the amount of the bond or by a surety company authorized to do business in this state, and shall be in an amount determined by the board of directors. If the treasurer is required to execute a surety company bond, the premium on the bond shall be paid by the board of directors.

(4) Each person desiring to be a director of a watershed conservancy district shall file a nominating petition with the board of supervisors, signed by twenty-five or more landowners within the watershed conservancy district of the county involved, or, if less than fifty landowners are involved a majority of such landowners. If the candidates nominated do not exceed the positions available they shall be declared elected. No person shall be eligible to be a director of a watershed conservancy district who is not a landowner in the district in which he seeks election.

Section 10. Subject to the approval of the board of supervisors, the board of directors of a watershed conservancy district shall have power to:

(1) Levy an annual tax on the real property within the district within the limitations provided in Section 13 for administration, construction, operation and maintenance of works of improvement within the district.

(2) Acquire, by purchase, gift, grant bequest, devise, or through condemnation proceedings in the manner provided in KRS 416.010 to 416.080, such lands or rights of way as are necessary for the exercise of any authorized function of the district.

(3) Construct, improve, operate and maintain such structures as may be necessary for the performance of any function authorized by this Act.

(4) Borrow such money as is necessary for the purpose of acquiring rights of way and establishing, constructing, reconstructing, repairing, enlarging, and maintaining such structures and improvements as are required by the district in the performance of its functions, and issue, negotiate, and sell its bonds as provided in Section 11 of this Act.

Section 11. (1) Bonds authorized by Section 10 of this Act shall not be issued until proposed by order or resolution of the board of directors, specifying the purpose for which the funds are to be used and the proposed undertaking, the amount of bonds to be issued, the rate of interest they are to bear, and the amount of any necessary tax levy in excess of the maximum authorized in Section 13 of this Act to establish a sinking fund for the liquidation of bonds as provided in Section 13. Copy of the order or resolution shall be certified to the board of supervisors.

(2) The board of supervisors shall conduct a hearing on such proposal after notice given pursuant to KRS 262.010 (4). If it appears that the proposal is within the scope and purpose of this Act and meets all other requirements of the law, the proposal shall be submitted to the landowners of the district by referendum under supervision of the board of supervisors.

(3) Provisions of Sections 6, 7, and 8 of this Act as to notice, qualifications of voters, absentee voting, and manner of holding referendum election in organizing a watershed conservancy district shall apply to the referendum held under this section.

(4) If two-thirds of the landowners voting favor the proposal, subject to the provisions of KRS 66.210, such bonds may be issued.

Section 12. Members of the board of directors shall receive no salaries, but such members may be reimbursed for actual and necessary expenditures incurred in the performance of their duties as approved by the board of supervisors.

Section 13. Within the first quarter of each calendar year, the board of directors shall prepare an itemized budget of the funds needed for administration, construction, operation and maintenance of works of improvement. After approval of such budget by the board of supervisors, the board of directors shall, by order or resolution, levy a tax sufficient to meet such budget, not to exceed five mills per dollar of the fair cash value, as equalized by the Department of Revenue, of all real property within the district, except any levy necessary to provide a sinking fund for retirement of bonds authorized by Section 11 of this Act. A copy of such budget and order or resolution shall be certified to the county clerk of the county or counties involved.

Section 14. (1) The board of directors shall prepare a list of the landowners in each county involved and showing the number of acres subject to assessment and the tax commissioner of the county or counties involved shall indicate, for the use of the clerk, such information on the tax rolls.

(2) When the property tax rolls are delivered to the county court clerk by the county tax commissioners, as required by law, the county clerk shall compute the tax due the district from each landowner in accordance with the rate fixed by the board of directors and the value of the real property indicated on the tax roll. The computation shall be made on the regular tax bills in such manner as may be directed by regulation of the Department of Revenue.

Section 15. (1) The sheriff shall collect the taxes due the district at the same time and in the same manner in which he collects the state and county ad valorem tax and shall in like manner report to the county court, and make his annual and final settlement with the fiscal court of the county or counties involved. He shall be allowed a fee not to exceed four percent for collection of this tax.

(2) Such taxes shall be subject to the same due and delinquency date, discounts, penalties and interest as are applied to the collection of ad valorem taxes.

Section 16. Tax funds collected shall be transferred to and held by the treasurer of the watershed conservancy district for the specific purpose for which they have been collected. All expenditures of such funds shall be made by the board of directors upon order of the board, approved by the board of supervisors of the soil conservation district or districts involved.

Section 17. (1) Any one or more owners of land may petition the board of supervisors to have their lands added to a watershed conservancy district. Such petition shall define the boundaries of the land desired to be annexed, the number of acres of land involved, and other information pertinent to such proposal. When the boundary described embraces lands of others than the petitioners, the petition shall so state and shall be signed by twenty-five or more of the landowners in the territory described, if fifty or more such owners are involved, or by a majority if less than fifty landowners are involved.

(2) Within thirty days after such petition is filed, the board shall cause due notice to be given, as provided in KRS 262.010 (4), of a hearing on such petition. All interested parties shall have a right to attend such hearing and be heard. The board shall determine whether the lands described in the petition or any portion thereof shall be included in the district. If all the landowners in the territory involved are not petitioners, a referendum shall be held within such territory as provided in Sections 6, 7, and 8 of this Act, before making a final determination. If it is determined that such land should be added, this fact shall be certified by the board of supervisors to the county court clerk in the county or counties involved. After recording, the certification shall be filed with the State Soil Conservation Committee.

Section 18. The owner or owners of lands which have not been, are not, and cannot be benefited by their inclusion in the watershed conservancy district may petition the board of supervisors to have such lands detached. The petition shall describe such lands and state the reasons why they should be detached. A hearing shall be held within thirty days after the petition is received. Due notice of such hearing as provided in KRS 262.010 (4) shall be given at least ten days before the hearing. If it is determined by the board of supervisors that such lands shall be detached, such determination shall be certified to the county clerk of each county in which any portion of such lands lie. After recording, the certification shall be filed with the State Soil Conservation Committee.

Section 19. (1) At any time after five years from the organization of a watershed conservancy district, twenty-five or more landowners within a district, or, if less than fifty landowners are involved, a majority of the landowners in such district, may file a petition with the board of supervisors, praying that the existence of the district be discontinued. The petition shall state the reasons for discontinuance, and that all obligations of the district have been met.

(2) After giving notice as defined in KRS 262.010 (4), the board of supervisors may conduct such hearings on the petition as may be necessary to assist it in making a determination.

(3) Within sixty days after petition is filed, a referendum shall be held under the supervision of the board of supervisors as provided in Section 11 of this Act. No informalities in the conduct of the referendum or in any matters relating to the referendum shall invalidate it or its result if notice of the referendum has been given substantially as provided in subsection (2) of this section.

(4) If a majority of the votes cast in such referendum favor the discontinuance of the district, and it is found that all the obligations have been met, the board of supervisors shall make a determination that the watershed conservancy district shall be discontinued. A

copy of the determination shall be certified to the clerk of the county or counties involved, for recording. After recording, the certification shall be filed with the State Soil Conservation Committee.

Section 20. If any supervising soil conservation district is discontinued, the fiscal court of the county or counties involved shall serve in the same supervising capacity over the watershed conservancy district as the board of supervisors.

SB 101, AN ACT relating to wills.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. An adopted child who would have been eligible to receive benefits under a previous will of the ancestor of the adopting parents, had he been a natural child of such adopting parents, shall take preference over the State with respect to any property passing under the will of said ancestor, which property but for the advent of adoption of the adopted child by children of the said ancestor, would have escheated to the State and such adopted child shall take under said will as if he had been a natural child. Provided that this Act shall only operate in favor of an adopted child whose adoption was effected before such adopted child reached his eighteenth birthday.

SB 136, AN ACT relating to game and fish.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 150.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Angling" means the taking or attempting to take fish by hook and line in hand, rod in hand, set line or trot line, but does not include the use of grabbling hooks, gang hooks, snag lines, gigs, or nets of any kind.

(2) "Buy" includes offering to buy, acquiring or possessing through purchase, barter, exchange or trade.

(3) "Commission" means the Department of Fish and Wild Life Resources Commission.

(4) "Commissioner" means the Commissioner of the Department partment of Fish and Wild Life Resources.

(5) "Device" means any article, instrument or equipment of whatever nature or kind which may be used to take wild animals, wild birds or fish.

(6) "Department" means the Department of Fish and Wild Life Resources.

(7) "Grabbling" means the taking of fish by hooking, snatching or snagging by the use of one or more single or multibarbed hooks on either a hand or pole line.

(8) "Gigging" means the taking of fish by spearing or impaling on any pronged or barbed instrument attached to the end of a rigid pole.

(9) "Impounded waters" means any public waters backed up by a dam constructed and used for hydroelectric purposes or for the purpose of flood control.

(10) "Navigable waters" means any waters within this state under lock and dam.

(11) "Non-resident" means a person who has not resided in this state for one year prior to his application for a license.

(12) "Noodling" or "tickling" means the taking of fish from any stream or body of water by hand and without the use of any artificial device.

(13) "Minnows" means all fish under six inches in length, except bass (large and small mouth and Kentucky), rock bass or goggle-eye, trout, crappie, jack salmon, walleyed pike, striped bass, sand pike or sauger or muskellunge.

(14) "Public waters" means all waters within the state flowing in a natural channel stream.

(15) "Raw Fur" means a hide, fur or pelt of a fur bearing animal which has not been processed by an established commercial processor. Skinning, stretching, oiling or coloring by the person who took the animal shall not be considered as processing.

(16) "Resident" means any person who has resided in this state for one year prior to his application for a license.

(17) "Rough fish" means any fish other than black bass (large mouth, small mouth or Kentucky) and crappie, jack salmon or walleyed pike, striped bass, sand pike or sauger and muskellunge, rock bass or goggle-eye and trout.

(18) "Sell" includes offering to sell, having or possessing for sale, barter, exchange or trade.

(19) "Snag line" means any set line anchored at one or more terminal points in any stream or body of water which contains one or more hooks, either single or multibarbed, and which is used without bait.

(20) "Take" includes pursue, shoot, hunt, wound, kill, trap or capture in any way; and any lesser act designed to lure, attract or entice for such purposes, to place, set, aim or use any device, animal, substance or agency which may be reasonably expected to accomplish such acts; every attempt to do such acts or to assist any other person in the doing of or the attempt to do such acts.

(21) "Tenant" means any resident share cropper, lessee, or any other person actually engaged in work upon a farm or lands and resides in a dwelling on the farms or lands, but shall not include

any other employe or tenant unless actually residing on the property and engaged or employed as above mentioned.

(22) "Transport" shall include the offering or receiving for transportation.

(23) "Wild bird" and "wild animal" include such wild bird or wild animal or any part thereof.

(24) "Wild life" means any wild bird, wild animal, fish, amphibian or other form of aquatic life protected or unprotected by this chapter.

(25) "Regulation" means a written regulation adopted by the Commissoner with the approval of the Commission.

(26) "Prescibed by the department" means established by a regulation or regulations.

(27) "Hunting" means to take or attempt to take in any manner, whether the hunter has game in possession or not.

(28) "Fishing" means to take or attempt to take in any manner, whether the fisherman has fish in possession or not.

Section 2. Section 150.022 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Fish and Wild Life Resources Commission shall consist of nine members, one from each Wild Life District, as set out by the commissioner with the approval of the commission, and not more than five of the same political party.

(2) The Governor shall appoint the members of the commission. Each of such members shall be appointed for a term of four years.

(3) Vacancies through the expiration of terms of the members of the commission shall be filled by appointment by the Governor from a list of five names from each Wild Life District, recommended and submitted by the sportsmen of each respective district. When the term of a member expires, the commissioner shall call a meeting of the sportsmen in that district no later than thirty days prior to the expiration of such member's term. Notice of the meeting shall be given by publication at least two times in a newspaper having statewide circulation, at least thirty days prior to the date set for the meeting. At such meeting the sportsmen in attendance shall select and submit to the Governor a list of five residents and citizens of the district who are well informed on the subject of wild life conservation and restoration. The Governor shall appoint a successor to the member whose term is about to expire within sixty days following the submission to him of the list hereinabove referred to, and in no event later than August 13.

(4) Upon appointment to the Commission of the Department of Fish and Wild Life Resources, each Commissioner shall execute a bond of one thousand dollars in favor of the Department of Fish and

Wild Life Resources, the premium on said bond to be paid out of Department funds.

(5) In the event of vacancies other than by expiration, the Governor shall fill the vacancy for the unexpired part of the term from the names remaining on the list previously submitted for the district from which the vacancy arose.

(6) Each member of the commission shall take the constitutional oath of office.

(7) The Governor may remove any member of the commission for inefficiency, neglect of duty, or misconduct in office; but shall first deliver to such member a copy of all charges in writing and afford to him an apportunity of being publicly heard in person or by counsel in defense of such charges, upon not less than ten days' notice. If a member shall be removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such member and his findings thereon, together with a complete record of the proceedings.

(8) Each member of the commission shall be entitled to reimbursement for actual and necessary traveling and other expenses incurred by him in the discharge of his official duties, such expenses not to exceed five hundred dollars per annum for each member, and to be paid from the Game and Fish Fund.

(9) A majority of the commission shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power vested in the commission.

(10) The department shall have its principal office in Franklin County, and is authorized to purchase all supplies, equipment and printed forms and to issue such notices and publications as the commissioner may deem necessary to carry out the provisions of this chapter.

(11) The word "sportsman" as used in this section shall mean a resident hunter or fisherman who has been licensed in Kentucky for each of the past two consecutive years.

Section 3. Section 150.023 of the Kentucky Revised Statutes is amended to read as follows:

(1) The members of the commission shall meet in Frankfort quarterly, upon a date to be determined and fixed by the commissioner, or as often as may be necessary for the transaction of business, upon reasonable notice to each member of such meetings.

(2) The commission shall conduct civil service examinations for all employes in the department.

(3) The commission shall at all times keep a watchful eye upon the Department of Fish and Wild Life Resources, and advise the commissioner to take such action as may be beneficial to the department and in the interest of wild life and conservation of natural resources.

(4) The commissioner, with the approval of the commission,

shall establish such divisions and subdivisions, and shall employ such experts, clerks and other employes as he deems necessary for the conduct of the work of the department and for the effectual accomplishment of the declared purposes of this chapter, and shall fix the compensation of all employes of the Department, to be paid out of the Game and Fish Fund.

(5) The commissioner, with the approval of the commission, shall authorize such scientific and other studies as he deems necessary, and shall collect, classify and disseminate such statistics, data and information as in his discretion will tend to promote the objects of this chapter.

(6) The commissioner, with the approval of the commission, shall have the exclusive power to expend for the protection, conservation, propagation and restoration, and taking and harvesting of game birds, fish, fur-bearing animals and amphibians all funds of the state acquired for the protection, conservation, propagation or restoration of birds, animals, fish and amphibians, arising from licenses, gifts or otherwise.

Section 4. Section 150.061 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission shall appoint a commissioner of the Department of Fish and Wild Life Resources, who shall be a man with knowledge of and experience in the requirements for the protection, conservation and restoration of the wild life resources of the state. The commissioner shall serve for an indefinite term, subject to removal by the commission for the same cause and in the same manner in which the Governor may remove a member of the commission.

(2) The commissioner shall receive such compensation as the commission may determine, and shall be reimbursed for all actual and necessary travel and other expenses incurred by him in the performance of his official duties.

(3) Before entering upon the duties of his office, the commissioner shall take and subscribe to the constitutional oath of office, and shall, in addition thereto, swear or affirm that he holds no other public office, nor any position upon or under any political committee or party. Upon appointment by the commission, the commissioner shall execute a bond of five thousand dollars in favor of the Department of Fish and Wild Life Resources, the premium on said bond to be paid out of Department funds.

(4) The commissioner shall have general supervision or control of all activities, functions and employes of the Department of Fish and Wild Life Resources. He shall at all times require a bond from each director, officer or employe in or attached to his Department, the premium to be paid out of Department funds. He shall enforce all provisions of the laws of the state relating to wild animals, birds, fish and amphibians, and shall exercise all powers necessarily incident thereto not specifically conferred on the commission. The commis-

sioner shall make an annual report of all receipts and disbursements and file same with the Secretary of State of the Commonwealth of Kentucky.

Section 5. Section 150.071 of the Kentucky Revised Statutes is amended to read as follows:

(1) The members of the Department of Fish and Wild Life Resources Commission shall constitute a civil service commission for the Department of Fish and Wild Life Resources and shall have the powers to make any and all regulations pertaining to the services and requirements of all the employes of the Department of Fish and Wild Life Resources.

(2) The commission shall prescribe, propound, and conduct such examinations as are properly commensurate with positions within the department and shall be empowered to appoint necessary clerks to carry out the requirements of this in regard to civil service examinations.

(3) The time and place for holding such examinations shall be fixed by the commission, and notice thereof shall be given at least ten days prior to the fixed date by announcements through newspapers of the state, through press releases, and through distribution in any other manner the commission may deem necessary. Such announcements shall state a time and place, the qualifications required of applicants, and all pertinent facts relating to the positions to be filled.

(4) The commisson shall establish a uniform system of grading all examinations given under this section, and shall, as soon as practicable after the giving of such examinations, grade the applicants and certify to the commissioner an eligible list of all applicants so examined who have made passing grades. The one passing the examination with the highest average grade shall be listed first and all others shall be listed numerically according to the results of the examinations.

Section 6. Section 150.083 of the Kentucky Revised Statutes is amended to read as follows:

(1) For violation of orders or failure to perform duties, the commissioner may suspend any employe for a period of time not to exceed two months, or may impose a fine of not more than two months pay, or impose both fine and suspension. Any employe may also be demoted for violation of orders or failure to perform duties. For a second or subsequent violation of orders or failure to perform duties, the accused shall be dismissed by the commissioner.

(2) Any employe of the Department of Fish and Wild Life Resources suspected or accused of theft, sedition, rape or any felony shall be suspended from his position pending trial and if the charges are proven to be correct, he shall be dismissed immediately by the commissioner.

(3) When any employe of the Department of Fish and Wild Life Resources is dismissed for any reason, he may have a hearing

on his case before the commission by filing a request in writing with the commissioner within ten days after his dismissal. When the commission is required to hold a hearing on any case where witnesses are required to give evidence, it shall have the power to issue subpoenas for such and any witnesses.

(4) Nothing in this chapter is intended to prevent the department from decreasing the number of employes, when in the opinion of the commission and the commissioner it is necessary to the efficient operation of the department. When the numbers are so decreased, the youngest in point of service in each particular job classification shall be the first to be released and shall be placed at the head of the eligible list in the order of their seniority.

Section 7. Section 150.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) Conservation Officers or any other person appointed by the commissioner and all peace officers and their deputies shall enforce the provisions of this chapter and shall have the right to go upon the land of any person or persons whether private or public for the purpose of conducting research or investigation of game or fish or their habitat conditions or engage in restocking game or fish or in any type of work involved in or incident to game and fish restoration projects or their enforcement or in the enforcement of laws or orders of the Department of Fish and Wild Life Resources relating to game or fish, while in the normal, lawful and peaceful pursuit of such investigation or work or enforcement, may enter upon, cross over, be upon, and remain upon privately owned lands for such purposes, and shall not be subject to arrest or trespass while so engaged or for such cause thereafter. They may arrest on sight, without warrant, any person detected by them in the act of violating any of the provisions of this chapter. They shall have the same rights as sheriffs to require aid in arresting with or without process any person found by them violating any of the provisions of this chapter and may seize without process anything declared by this chapter to be contraband. No liability shall be incurred by any person charged or directed in the enforcement of this chapter.

(2) Conservation Officers and other officers charged with the enforcement of this chapter, shall have the authority to call for and inspect the license or badge of any person engaged in any activity for the performance of which a license is required under this chapter, and shall also have the authority to take proper identification of any person, or hunter, or fisherman who is actually engaged in any of these activities, and to call for and inspect any and all firearms being carried upon the person of any person so engaged.

(3) No person shall resist, obstruct, interfere with or threaten or attempt to intimidate or in any other manner interfere with any officer in the discharge of his duties under the provisions of this chapter.

Section 8. Section 150.105 of the Kentucky Revised Statutes is amended to read as follows:

Notwithstanding any other provisions of this chapter, the commissioner may, with the approval of the commission, authorize Conservation Officers or any other persons to destroy or bring under control in such manner as he deems necessary any wild animal, fish or wild birds, protected or unprotected which are causing damage to persons, property or other animals, fish or birds or spreading diseases and which in his judgment should be eliminated or controlled to prevent further damage.

Section 9. Section 150.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commissioner, all Conservation Officers, persons appointed by the commissioner, and all peace officers and their deputies shall seize and take possession of any and all furs, fish, wild animals, wild birds, guns, dogs, instruments, boats or devices which have been taken, used, transported or possessed contrary to any law or regulation adopted under this chapter. Upon compliant showing probable cause for believing that any of the wild animals or wild birds protected by any law or regulation are illegally kept in any building, car or receptacle, any court having jurisdiction may issue a search warrant and cause the same to be searched. Any wild birds, wild animals, fish, furs, guns, dogs, instruments, or devices seized in accordance with this section shall be impounded by the arresting officer and shall be taken before the court trying the person arrested.

(2) Upon conviction, the court trying the case shall have the discretion of determining whether or not any of the things seized under the provisions of subsection (1) of this section shall be declared contraband. Any animal, bird, fish, fur or dog taken, and any device used or possessed contrary to the provisions of this chapter, or any regulations adopted hereunder, is subject to being declared contraband. When any such item is declared contraband, the court shall enter an order accordingly. A copy of the order shall be forwarded to the commissioner and the contraband shall be placed in the custody of the arresting officer, to be delivered to the commissioner.

(3) The commissioner may sell to the residents of this state, at the highest market price obtainable, with the approval of the Governor and the Director of Purchases and Public Properties, all contraband which comes to his possession under the order of any court, or which has been seized under this chapter and declared to be contraband under any law relating to fish or wildlife. All proceeds arising from the sale of contraband articles shall be paid into the Game and Fish Fund. A record of the sale, including the name of the purchaser and the price paid, shall be kept by the commissioner.

(4) Any device or contrivance, the use of which is not expressly recognized and sanctioned by the provisions of this chapter for

the taking of fish, amphibians, birds, or animals, is hereby declared to be an illegal device. No person shall have in his possession any illegal device or other thing prohibited by laws or by any regulation adopted under this chapter for the taking of wild birds, wild animals, fish, or amphibians.

Section 10. Section 150.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (2), (3), (4), (5) and (6) of this section, and subject to regulations adopted under this chapter, no person shall do any act authorized by any kind of license or permit, or assist in any way any person in doing any act provided for in this chapter with respect to game and fish unless he holds the kind of license or permit that authorizes such act. It is the specific purpose of this chapter to prohibit the taking or pursuing of any wild life or wild animals, protected or unprotected, or the angling in any stream or body of water, whether public or private, without first procuring the license provided for herein, except to such extent as may be otherwise provided in this section.

(2) A person under sixteen years of age may, without a fishing license, take fish by angling, or take minnows by the use of a minnow seine.

(3) The resident owner of farmlands, his wife, or children, or tenants and their children, residing upon said farmland shall, without procuring license, have the right to take fish or hunt during the open season (except trapping) on said farmlands of which they are bona fide owners, or wife or children of such owners, or tenants or children of such tenants.

(4) Residents or non-residents attending and participating in any annual state or national field trial may so attend and participate without obtaining a hunting license.

(5) Any resident of this state who is sixty-five years of age or older may, without a hunting or fishing license, do any act authorized by such a license, but while so doing he must carry upon his person an affidavit stating the year and place of his birth.

(6) The provisions of this chapter for the protection of wild animals shall not apply to resident landowners of this state who kill on their land any wild animal causing damage to such land or any personal property situated thereon. Upon destruction of any animal or bird by a landowner such act must be reported to the Department of Fish and Wild Life Resources or the resident Conservation Officer for the proper disposition of the carcass.

(7) In the event a reciprocal agreement is entered into between the Commissioner of the Department of Fish and Wild Life Resources of this state, with the approval of the commission, and the similar authority, of the state of Tennessee, pursuant to which persons holding a fishing license (resident or non-resident) or a state-wide hunting

license (resident or non-resident) issued in this state are permitted to perform the acts authorized by such license upon so much of the waters of any lake, extending across the boundary between Kentucky and Tennessee, as lies within the State of Tennessee, then any person holding a similar fishing license or hunting license issued in the State of Tennessee may, during the duration of such agreement, perform the acts authorized by such license upon so much of the waters of such lake as lies within this state, without having obtained a license therefor in this state.

Section 11. Section 150.175 of the Kentucky Revised Statutes is amended to read as follows:

The kinds of licenses and tags authorized by this chapter, and the acts authorized to be performed under such licenses and tags, subject to the other provisions of this chapter and subject to regulations adopted under this chapter, are as follows:

(1) A state-wide fishing license, which authorizes the holder thereof to take fish by angling, or take crawfish by a minnow seine, or by hand, to take minnows by the use of a minnow seine, or to take fish by grabbling, gigging, and by noodling or tickling, and to take frogs from any waters in any county of this state open for such purposes and subject to the limitations hereinafter set forth and such additional limitations as the Department may from time to time prescribe;

(2) A ten-day fishing license which may be issued only to a non-resident and which authorizes the holder thereof to take fish by angling, grabbing, gigging and noodling or tickling from any of the waters of this state, including the Ohio River, for a period of ten consecutive days, beginning as of a day which shall be stated in the license when issued by the county clerk, and subject to all limitations hereinafter set forth and such further limitations as may be prescribed by regulation of the department from time to time;

(3) A commercial fishing license, which authorizes the holder thereof to perform any act authorized by a fishing license and to take fish from the navigable streams of the state, but not above the last lock and dam up the stream, by the use of twine seines, twine hoop nets, or snag lines, provided that the holder of such license has first obtained a tag for each seine, hoop net and snag line. Such license shall also authorize the holder thereof to sell fish, other than those protected by this chapter, either at wholesale or retail;

(4) An Ohio River fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to take fish from the Ohio River only by any method authorized under a state-wide fishing license;

(5) An Ohio River commercial fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to exercise in the Ohio River only the same

privileges that may be exercised under a commercial fishing license, as defined in subsection (3) of this section, provided that the holder of such license has first obtained a tag for each seine, hoop net and snag line;

(6) A seine tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one hundred feet of seine or part thereof. A separate tag shall be required for each one hundred feet of seine or part thereof;

(7) A hoop net tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one hoop net. A separate tag shall be required for each hoop net;

(8) A snag line tag, which may be issued only to the holder of a commercial fishing license, or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the navigable waters of this state, or from the Ohio River only, as the case may be, one snag line. A separate tag shall be required for each snag line;

(9) A live bait dealer's license, which may be issued only to a resident of this state and which authorizes the holder thereof to sell live bait to be used in angling;

(10) A musseling license, which authorizes the holder thereof to take mussels for commercial purposes from any shell bed;

(11) A state-wide hunting license, which authorizes the holder thereof to take or pursue wild animals except deer, bear or wild turkey in any open area of this state, with bow and arrow, gun, gun and dog or dog; and to take wild birds with bow and arrow or with gun; and to participate in a fox hunting party engaged in the hunting or pursuing of foxes with dogs for sport; and to take frogs from any waters open for such purposes, but only in such manner as provided elsewhere in this chapter;

(12) A junior state-wide hunting license, which may be issued only to a resident of this state, before he has reached his or her sixteenth birthday, and which authorizes the holder thereof to exercise all the privileges authorized by a statewide hunting license;

(13) A trapping license, which authorizes the holder thereof to take wild animals by trapping upon his own lands or upon the lands of another person. (Provided that the holder of such license shall have first obtained a written consent as provided in KRS 150.400 and 150.410);

(14) A taxidermist license, which authorizes the holder thereof to engage in the business of preparing, stuffing and mounting, in life-like form, the skins of wild animals;

(15) A commercial guide's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to receive payment or remuneration of any kind for services rendered as a guide for angling or hunting parties;

(16) A fur buyers' license, which may be issued only to a resident of this state, and which authorizes the holder thereof to buy raw furs from trappers and hunters and to sell raw furs so purchased to a licensed fur processor;

(17) A fur processor's license, which may be issued only to a resident of this state and which authorizes the holder thereof to buy raw furs from a licensed fur buyer, for the purpose of processing, manufacture or retention in cold storage for resale to another licensed fur processor, to process or manufacture such raw furs, or hold them in cold storage, to sell such raw furs to or buy the same from another fur processor licensed in this state, to sell raw furs to a licensed non-resident fur buyer, or to buy raw furs from a non-resident fur processor licensed in the state of his residence to deal in raw furs;

(18) A non-resident fur buyer's license, which authorizes the holder thereof to buy raw furs from persons legally having the same in their possession in this state and to transport or ship the same out of this state;

(19) Non-resident fishing license which authorizes the holder thereof to perform any act authorized by a resident state-wide fishing license;

(20) Non-resident hunting license which authorizes the holder thereof to perform any act authorized by a resident state-wide hunting license;

(21) A special license to non-residents for the purpose of hunting on licensed private hunting preserves. This license shall cost five dollars per year and is good only for the preserve for which it was issued and shall continue legal only for one year. These licenses shall be issued in ink by the preserve manager, and it becomes his responsibility to see that each hunter is properly licensed beforeing going into the field. When the hunter owns either a non-resident or resident state-wide hunting license for the current year, the special license shall not be required. The commissioner, with the approval of the commission, shall have the authority to establish and regulate private shooting preserves;

(22) A big game permit, which, in combination with a valid state-wide hunting license or a valid junior state-wide hunting license, authorizes the holder thereof to take or pursue deer, bear or wild turkey, in any designated open area of this state, with long bow and arrow or gun, during the open season and according to the provisions of the laws and regulations governing such hunting.

Section 12. Section 150.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in this section, or elsewhere in this chaper and subject to regulations adopted under this chapter, no person, for himself or as the agent, or employee of another shall buy, or sell, or attempt to buy, or sell, barter, exchange, or trade, or have in possession for the purpose of selling, bartering, or trading any wild turkey, native pheasant, quail, bob-white, deer, or raw fur, or any other wild animals no matter where or when caught or killed, whether caught or killed in this state or in any other state or other country.

(2) Mussels and fish, other than black bass (large mouth or small mouth and Kentucky) rock bass or goggle-eye, crappie, jack salmon or walleyed pike, striped bass, sand pike or sauger, trout and muskellunge may be bought, sold and transported, if in legal possession.

(3) Raw furs, if in legal possession, may be sold by a licensed trapper or licensed hunter to a licensed fur buyer (resident or nonresident), and by a licensed fur buyer to a licensed fur processor or to another fur buyer. A licensed fur buyer may buy raw furs from a licensed trapper or licensed hunter, if in legal possession of the trapper or hunter, and licensed fur processors may buy such furs from a licensed fur buyer or from another licensed fur processor, if in legal possession of such fur buyer or processor, and may buy raw furs from a non-resident fur processor licensed in the state of his residence to deal in raw furs. A licensed fur processor may sell raw furs to another licensed fur processor or to a licensed non-resident fur buyer. A licensed non-resident fur buyer may buy raw furs from any person having the same legally in possession.

(4) Subject to regulations adopted under this chapter, any person authorized by subsection (3) of this section to sell or buy raw furs may transport, between any points within this state, any such furs legally in his possession. No person may transport or ship raw furs from this state to a point outside this state unless he holds a non-resident fur buyer's license, except that an individual who has lawfully taken a fur bearing animal in this state or who has legally purchased the pelts of fur bearing animals may ship the pelts thereof at any time during the period such pelts may be in his legal possession in this state, to a non-resident fur processor who is licensed in the state of his residence to deal in raw furs, or to a non-resident taxidermist for the purpose of mounting.

(5) Subject to regulations adopted under this chapter, a person who has been issued a license under this chapter and who has the license on his person may transport anywhere as a part of his personal baggage any wild animals, wild birds or fish legally taken by him under such license, not in excess of the number that the law or regulations permit him to have in possession at any one time.

(6) A person who has legally taken any wild animal, wild bird or fish in another state and who has in his possession the license which

authorizes such taking may, if the same be dead, transport the same to this state, as part of his personal baggage at any time during the open season for the particular species in the state in which taken or within ten days after the close of such season. Any person may ship dead game or dead fish so taken subject to the provisions of the laws of the state in which the same was taken and the laws and regulations of the United States relating thereto.

(7) No person shall import or transport into the State of Kentucky or receive shipment in the state from without the state, any type or species of live game, live wild animal, live wild bird or fish, live amphibian, protected or unprotected under this chapter, excepting minnows to be used for bait, without first procuring from the department a written permit to do so. If it is determined upon inspection that such game, wild animals, wild birds, fish or amphibians would not constitute a menace to the state and are free from disease that might spread throughout the state to detriment of wild life resources, the commissioner shall issue such a permit free of charge.

(8) Any carcass of a coon or muskrat from which the fur has been removed and taken in open season may be legally sold by the taker only within 90 days after the season closes.

(9) This section shall not in any way interfere with the transportation of any wild animals, wild birds or fish by the authorized officers of the department.

(10) Federal regulations shall govern the transportation of all migratory wild birds.

Section 13. Section 150.185 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in this section unless the contect requires otherwise:

(a) "Buy" and Sell" have the meaning given to them in KRS 150.010.

(b) "Rabbit" means any wild rabbit (including cottontail, jackrabbit, and swamp rabbit), whether alive or dead or any part thereof whether taken within or without the state.

(2) No person shall buy or sell, or attempt to buy or sell, barter, exchange, or trade, or have in possession for the purpose of selling, bartering, or trade any wild rabbits, no matter where or when caught or killed, whether caught or killed in this state, or in any other state, territory, country, or place.

Section 14. Section 150.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commissioner may, with the approval of the commission, adopt the design of all licenses required by this chapter and make all regulations for their issuance. Licenses shall only be issued pursuant to a written application, on a form prescribed by the commissioners, subscribed and sworn to by the applicant and giving the following information: Sufficient general description of the applicant

to identify him, his name, place of residence and house number. No person shall make a false statement or any false information in the application.

(2) Except as provided in subsection (3) and (4) of this section, and in subsection (3) of KRS 150.220, all licenses and tags provided for in this chapter shall be issued by the county clerk. The clerk shall sign the licenses and shall require the persons to whom the licenses are issued to sign their name on the margin. The clerk shall keep a correct and complete copy of all licenses issued in a book to be furnished by the department, which records shall remain in his office and be open to inspection by the public during regular office hours. No county clerk shall knowingly make a false entry upon a license or upon a license record or report required by this chapter.

(3) Ohio River fishing licenses and Ohio River commercial fishing licenses, and seine, hoop net and snag line tags for holders of Ohio River commercial fishing licenses shall be issued by the department directly, or through such person, resident or non-resident, as may be designated by the commissioner as agent for that purpose.

(4) Commercial guide's licenses, fur buyer's licenses (both resident and non-restident) and fur processor's licenses shall be issued directly by the department. Any applicant for a commercial guide's license shall be required to present proof to the satisfaction of the commissioner, in accordance with such regulations as the commissioner may prescribe with the approval of the commission, that he is qualified to act as a commercial guide. Any applicant for a fur processor's license shall be required to present proof to the satisfaction of the commissioner, in accordance with such regulations as the commissioner may prescribe with the approval of the commission, that he has sufficient equipment and facilities to engage in the business of processing, manufacture and storage of raw furs.

(5) A live bait dealer's license, both resident and non-resident, shall be issued directly by the Department, or through such persons resident or non-resident as may be designated by the commissioner as agent for that purpose.

Section 15. Section 150.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in KRS 150.175 and 150.176 any of the licenses authorized by this section may be issued either to a resident of this state or to a non-resident, but all licenses issued to non-residents shall bear the word "non-resident" in prominent letters, and fees shall be as respectively provided in this section.

(2) The fees for the licenses provided for in KRS 150.175 shall be as follows:

(a) Fishing licenses

State-wide fishing license (resident)	$ 2.00
State-wide fishing license (non-resident)	5.00

(b)	Ten-day fishing license	
	Non-resident only	2.00
(c)	Commercial fishing license:	
	Resident	5.00
	Non-resident	25.00
(d)	Ohio River fishing license (residents of Ohio, Indiana and Illinois only)	2.00
(e)	Ohio River commercial fishing license	5.00
(f)	Seine tag for each one hundred feet of seine or part thereof	
	Resident	2.00
	Non-resident (holder of Ohio River Commercial fishing license)	2.00
	Other non-residents	4.00
(g)	Hoop net tag:	
	Resident	1.00
	Non-resident holder of Ohio River Commercial fishing license	1.00
	Other non-residents	2.00
(h)	Snag line tag:	
	Resident	1.00
	Non-resident holder of Ohio River Commercial fishing license	1.00
	Other non-residents	2.00
(i)	Live bait dealer's license (residents only)	5.00
(j)	Musseling license	
	Resident	10.00
	Non-resident	30.00
(k)	State-wide hunting license	
	Resident	3.00
	Non-resident	15.50
(l)	Junior state-wide hunting license (residents only)	1.00
(m)	Trapping license	
	Resident	3.00
	Non-resident	15.50
(n)	Taxidermist's license (resident only)	3.00
(o)	Commercial guide's license (resident only)	5.00
(p)	Fur buyer's license	
	Resident	5.00
	Non-resident	75.00
(q)	Fur processor's license (resident only)	100.00
(r)	Special yearly hunting preserve license	5.00
(s)	Non-resident live bait dealer's license	10.00
(t)	Big game permit	5.00
(u)	License to establish private shooting preserve	25.00

Section 16. Section 150.365 of the Kentucky Revised Statutes is amended to read as follows:

No person shall use fire, or any type of explosive, smoke or gas or in any other way molest or destroy the den or hole or nest of any animal, nor shall any person burn a field for the purpose of driving game, except employes of the Department of Fish and Wild Life Resources in carrying out investigational, research or improvement projects.

Section 17. Section 150.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take, pursue, or attempt to take or pursue or otherwise molest any elk, deer, wild turkey or bear unless the commissioner, with the approval of the commission, finds conditions and population that warrant an open season, then regulations shall be enacted to govern same.

(2) It shall be unlawful for any person to cast the rays of a spot light, head light, or other artificial lighting device on any highway or in any field, woodland, or forrest upon any deer or rabbit with the intention to locate such game while having in his possession, or under his control, a firearm or other implement by which such deer or rabbit could be killed, even though such game be not shot at, injured or killed.

(3) It shall be unlawful for any dog to chase or molest in any manner any deer on any game refuge or State Park or on any other land. Any conservation officer, peace officer, sheriff, or constable may take necessary steps to stop, prevent, or bring under control any dog, or dogs, found chasing or molesting deer at any time.

(4) It shall be unlawful to shoot or attempt to shoot any wild birds or wild animals, protected or unprotected, or any fur bearing animals from an automobile, or other vehicle, at any time or place.

Section 18. Section 150.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) Minnows and crawfish to be used for bait for angling may be taken from the public waters of this state with a twine minnow seine not more than ten feet in length and four feet in width or height, with mesh not larger than one fourth inch, or with a minnow trap not more than three feet in length and eighteen inches in diameter, with an opening not larger than one inch. Any fish caught which are excluded from the definition of minnows in KRS 150.010 shall be immediately returned, without injury, to the waters from which they are taken.

(2) Any person may take by the use of licensed (twine only) seine, the mesh of which is not less than two inches square, or by the use of licensed hoop nets (twine only) without wings, (or with wings, neither wing of which shall be longer than twenty feet, in the Mississippi River, Ohio River or any of the overflow lakes of Ballard, Carlisle, Hickman or Fulton Counties), any fish from the naviable streams

or waters of this state; provided, however, that no wing nets shall be placed less than one hundred yards from the mouth of any tributary or inlet of the waters hereinabove specified. No person shall take any fish by seines or nets, or place any seine, or net in any of the above mentioned streams or waters within two hundred yards of the mouth of any tributary stream within the state, nor nearer than seven hundred yards below Kentucky Dam on the Tennessee River at Gilbertsville, unless the Department prescribes lesser limits with respct to such dam, nor within two hundred yards of any lock or dam on a navigable stream, nor above the last lock or dam in any navigable stream. The provisions of this subsection shall apply to "rough fish" only. Any fish protected by this chapter which may be caught in seines or nets shall immediately be returned, without injury, to the waters from which taken.

(3) No person shall operate or have in possession any seines or nets or snag lines, unless he has procured a commercial fishing license or an Ohio River commercial fishing license and a metal tag for the use or possession of each net or seine, and has complied with the provisions of this chapter. The metal tag shall be affixed to and displayed on the seines or nets, or snag lines at all times. This section shall not be construed to require wholesale dealers or manufacturers to obtain licenses and tags for seines and nets in their possession for the purpose of sale outside of the state, or retail dealers selling legal seines or legal nets.

Section 19. Section 150.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person, firm or corporation, whether acting in a private or public capacity, shall place or cause to be placed in any public waters any substance that might injure, interfere with or cause the waters to be unfit for the support of aquatic life. When any employ of a person, firm or corporation, in the course of his employment, places or causes to be placed any such substance in any public waters, his act shall be prima facie evidence of the guilt of both the employe and employer, and either one or both may be punished as provided in paragraph (a) of subsection (4) of KRS 150.990. Each day that this section is violated shall constitute a separate offense. This section does not apply to employes of the department acting in official capacity.

(2) No person shall use, or attempt to use any electrical device of any type (such as telephone, or electrical leads from a magneto, or battery, or motor or any other type of electrical equipment) in any stream or body of water. This does not prevent the authorized employes of the department from using this or any devices in research or investigational work.

(3) No person shall willfully place or attempt to place in any of the public waters of the state any substance which has a poisonous effect or intoxicating effect upon aquatic life.

(4) Conservation officers and other persons appointed by the commissioner and all peace officers have the authority to enforce KRS 220.580 to 220.990, known as the Water Pollution Control Law.

Section 20. A new section of the Kentucky Revised Statutes is created to read as follows:

No person shall violate any law or regulations relating to licensed shooting preserves, or licensed hunting preserves. Any owner or operator who permits any person to hunt on his or her licensed shooting preserve without the required license may have his or her license cancelled or revoked by the Commissionr of the Departmnt of Fish and Wild Life Resources.

Section 21. A new section of the Kentucky Revised Statutes is created to read as follows:

No person engaged in hunting or fishing upon either public or private property shall commit any acts of depredation, such as setting fires, destruction of fences, shooting of live stock or poultry, theft or causing damage to any property in any manner.

Section 22. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The commissioner, with the approval of the commission, shall have the authority to regulate the taking of waterfowl within the state and shall further have the power to establish waterfowl refuges, waterfowl shooting grounds, regulate distance of pits and shooting from refuges, either on public or private lands, where hunting or shooting is permitted; to build shooting pits or blinds and make charges for their use, and do anything else necessary to control or improve the conservation or hunting of waterfowl not contrary to federal regulations.

(2) It shall be unlawful for any person to hold or control land and water, or land and water used or intended to be used in whole or part, or in part for the taking of migratory waterfowl, or have the privilege of taking migratory waterfowl thereon, without first having made application to the Department and paying an annual permit fee hereinafter prescribed that will entitle the licensee to possess blinds or pits on said lands or water in conformance with the law and regulations as set out by the Department.

(3) Any person holding or controlling land and water used or intended to be used, in the whole or in part for the taking of migratory waterfowl, or for having the privilege of taking migratory waterfowl thereon shall make an application and pay an annual permit fee of $25.00 which entitles the holder thereof to build and construct blinds or pits on said land or water in conformance with the laws and regulations of this Department.

(4) All such permits shall expire each year on the next day after

the last day of the season during which it shall be lawful to take migratory waterfowl.

(5) The holder of such permits shall keep a daily register and kill survey as set out in the regulation.

(6) No person actually residing on and owning any piece of land and water, or land, or water, shall be required to secure any such permit for the privilege of hunting migratory waterfowl thereon for himself, or his immediate family, or his resident tenants and their immediate family living on the premises, but this privilege cannot be extended to anyone else and all hunting shall conform with the laws and regulations.

Section 23. Section 150.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each bird, fish or animal taken, possessed, bought, sold or transported and each device used or possessed contrary to the provisions of this chapter or any regulation adopted by the Commissioner thereunder shall constitute a separate offense. The penalties prescribed in this section shall be for each offense.

(2) Any person who violates any of the provisions of this chapter or any regulations adopted by the Commission hereunder, for which no definite fine or imprisonment is fixed by this section, shall be fined not less than $15.00 nor more than $100.00.

(3) Any person who violates any of the provisions of section 22 of this Act, subsection (3) of KRS 150.090, subsections (1) and (2) of KRS 150.180, KRS 150.300, subsection (1) of KRS 150.310, KRS 150.330, subsection (2) of KRS 150.360, KRS 150.485 shall be fined not less than twenty-five nor more than two hundred dollars or imprisoned for not more than six months, or both.

(4) (a) Any person who violates any of the provisions of subsection (1) of KRS 150.460 shall be fined not less than $100.00 nor more than $1,000.00, or imprisoned for not more than six months, or both.

(b) Any person who violates subsection (2) or subsection (3) of KRS 150.460 shall be guilty of a felony and upon conviction shall be confined in the penitentiary for not less than one year nor more than three years and shall be fined not more than $500.00.

(5) Any licensee who violates any provision of this chapter or any regulation adopted by the Commissioner thereunder shall, in addition to penalties provided in subsection (2), (3) and (4) of this section, forfeit his license.

(6) Any county court clerk who knowingly makes a false entry upon a license record or report, in violation of subsection (2) of KRS 150.190 shall be fined not less than $100.00 nor more than $500.00.

(7) Any person who violates the provisions of subsection (2) of KRS 150.185 shall be fined not less than $25.00, nor more than $200.00.

(8) Any person who violates any provision of KRS 150.390 shall be fined not less than $100.00, nor more than $1,000.00.

(9) Any person who violates KRS 150.525 shall be fined not less than $25.00, nor more than $200.00 or imprisoned for not more than six months, or both.

(10) Any persons who violate any regulation which has been or may be hereafter adopted by the Commission under any provisions of this chapter or which is adopted to supplement, explain, carry out or limit any provisions of this chapter, shall be subject to the same penalty as is provided for the violation of any provisions of this chapter under which the regulation is adopted or which the regulation supplements, explains, carries out or limits.

Section 24. Section 150.221 of the Kentucky Revised Statutes is hereby repealed.

Section 25. A new section of the Kentucky Revised Statutes is created to read as follows:

The commissioner of the Department of Fish and Wild Life Resources, with approval of the commission, may call for the issuance of revenue bonds pursuant to the entire terms of KRS 58.010 through 58,140 for the purpose of establishing public shooting areas, waterfowl or other wildlife refuges, public fishing lakes or the establishment of other projects of public benefit in the interest of fish and game and may unite into one project for financing purposes all revenue as may be pledged by the commissioner. From every source whatsoever these revenue thus united shall be used for the payment of the principal and interest of all bonds which may be issued. Such united receipts, unless otherwise agreed upon by the commissioner and bonding company, shall continue until all bonds issued have been paid in full. The lien of the bonds from such limited project shall be a lien upon the united gross income and revenue as specified in the original terms ascribed to by the commissioner with the concurrence of the commission.

SB 145, AN ACT relating to purebred cattle, and making an appropriation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 246.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in this section, unless the contest otherwise requires:

(a) "Department" means the Department of Agriculture, Labor and Statistics.

(b) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

(c) "Purebred" means registered by the appropriate association, organization or authority.

(d) Neither "show" or "exhibition" or "show, exhibition and sale" shall include those held as a part of or in connection with any county or other local fair.

(2) It shall be the duty of the Department of Agriculture, Labor and Statistics to aid, encourage, foster and promote the development and the improvement of the purebred cattle industry in Kentucky. To that end, it shall be the duty of the department to promote and to aid and assist in the promotion of annual shows and sales of purebred cattle in Kentucky with the object and purpose of establishing Kentucky as one of the greatest centers in the United States for the breeding, producing, raising, exhibition, showing and sale of purebred cattle and for said purposes there hereby is appopriated out of the General Expenditure Fund to the department the sum of thirty-one thousand dollars for each of the fiscal years 1956-1957 and 1957-1958.

(3) (a) From the appropriation made in subsection (2) of this section, six thousand dollars shall be used and applied in each of said fiscal years as follows: Not less than four thousand dollars nor more than five thousand dollars shall be used and applied to the payment of premiums for the largest purebred Aberdeen-Angus show and sale which may be held in Kentucky in each of the fiscal years 1956-1957 and 1957-1958 which is open on equal terms and conditions to all Aberdeen-Angus breeders in the United States. The remainder shall be used and applied by the commissioner for appropriate advertising of such show and sale in such livestock journals and other advertising media as the commissioner in his discretion may determine.

(b) From the appropriation made in subsection (2) of this section, six thousand dollars shall be used and applied in each of said fiscal years as follows: Not less than four thousand dollars nor more than five thousand dollars shall be used and applied to the payment of premiums for the largest purebred Hereford show and sale which may be held in Kentucky in each of the fiscal years 1956-1957 and 1957-1958 which is open on equal terms and conditions to all Shorthorn breeders in the United States. The remainder shall be used and applied by the commissioner for appropriate advertising of such show and sale in such livestock journals and other advertising media as the commissioner in his discretion may determine.

(c) From the appropriations made in subsection (2) of this section, six thousand dollars shall be used and applied in each of said fiscal years as follows: Not less than four thousand dollars nor more than five thousand dollars shall be used and applied to the payment of premiums for the largest purebred Shorthorn show and sale which may be held in Kentucky in each of the fiscal years 1956-57 and 1957-58 which is open on equal terms and conditions to all Shorthorn breeders in the United States. The remainder shall be used and applied by the commissioner for appropriate advertising of such show and sale in such livestock journals and other advertising media as the commissioner in his discretion may determine.

(d) From the appropriation made in subsection (2) of this section, six thousand dollars shall be used and applied in each of said fiscal years as follows: Not less than four thousand dollars nor more than five thousand dollars shall be used and applied to the payment of premiums for the largest purebred Polled Hereford show and sale which may be held in Kentucky in each of the fiscal years 1956-1957 and 1957-1958 which is open on equal terms and conditions to all Polled Hereford breeders in the United States. The remainder shall be used and applied by the commissioner for appropriate advertising of such show and sale in such livestock journals and other advertising media as the commissioner in his discretion may determine.

(4) Any show, exhibition and sale of purebred cattle to be eligible to receive the aforesaid appropriations must provide that the entries in all classes must be open upon equal terms to the breeders of such cattle in all of the states of the United States, and the Dominion of Canada may be included. The commissioner shall determine with respect to each of the aforesaid breeds of cattle which show, exhibition and sale is the largest to be held in Kentucky in each year and, in making such determination, he may consider such shows, exhibitions and sales as may have been held in Kentucky in any previous year and in any previous two-year period.

(5) The remainder of the appropriations made in subsection for each of said fiscal years shall be used and applied by the department as follows, to-wit: At least five thousand dollars of the remainder of said appropriation shall be used to add premium money otherwise available for shows and exhibitions of purebred dairy cattle to be held in Kentucky at such places and in such regions or districts as the commissioner may determine; and the remaining balance thereof shall be used and applied by the department in advertising and in promoting such purebred dairy cattle shows and exhibition in such livestock journals and other advertising media as the commissioner in his discretion may determine.

SB 153: AN ACT to prohibit peace officers from patrolling the public roads and highways of this Commonwealth in other than motor vehicles plainly identified as official police vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No peace officer of this Commonwealth, other than a city or state police officer, shall patrol the public roads or highways of this Commonwealth in any automobile, motor truck, motorcycle or other motor vehicle unless said vehicle is plainly marked and carries adequate police lights so that it may be easily and quickly identified as an official police vehicle or sheriff's vehicle.

SB 169: AN ACT relating to county buildings and the financing thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Upon the fiscal court adopting an order reciting the necessity of the financing of a county building or buildings of any type and requesting the county judge to appoint a County Buildings Commission, the county judge of such county shall thereupon appoint a County Buildings Commission composed of three members. That one of such members shall have his term of office designated as three years, one of such members shall have his term of office designated as two years and the remaining member shall have his term of office designated as one year. Upon the expiration of the term of office of each of these commissioners, the county judge shall appoint a commissioner to succeed him to serve for a term of three years. Each commissioner shall execute a bond to be approved by the county judge and shall be sworn to faithfully perform the duties of his position. Vacancies shall be filled by the county judge.

The commissioners shall elect a chairman, secretary and treasurer.

(2) The treasurer of the Commission shall pay out the funds of the Commission only upon presentation of warrants signed by the chairman and countersigned by the secretary of the Commission. The treasurer shall execute bond to the Commission in an amount fixed by the Commission.

(3) Such Commission shall be a public corporation and commission and shall be considered as a public agency and instrumentality of the county whose judge (county) appoints same, in order to finance projects under the provisions hereof.

(4) For the purpose of providing county buildings for county purposes, the county of which the members of such Commission are residents may convey to the County Buildings Commission a fee simple title, with covenant of general warranty, to a site now held or hereafter acquired by such county.

(5) Every County Buildings Commission to which a site for a building has been conveyed, as provided in section (4) hereof, shall enter into a contract with some person for the erection on the site of a building with the necessary appurtenances according to the plans and specifications adopted by the County Buildings Commission and approved by the county.

(6) Immediately upon the approval of the plans and specifications, as provided in section (5) hereof, the county shall offer to lease the building for a term of one year from the time the building is completed and ready for occupancy, the lease, by its terms, shall give the leasee the option to extend the lease from year to year for periods of one year until the original term of the lease has been extended for the total number of years acceptable to the County Buildings Commission, not exceeding thirty years, at a rental which, if paid for the original term and for each of the full number of years, for

which the term is extended, will amortize the total cost of the erection of the building and appurtenances, provide an adequate maintenance fund and, in addition thereto, a sum sufficient to pay the cost of insuring the building against loss or damage by fire and windstorm or other calamity in such sum as may be agreed upon by the parties thereto.

(7) Any County Buildings Commission may establish and erect county buildings and necessary appurtenances within the county, under the provisions hereof, for the purpose of supplying the county with adequate buildings necessary to carry out its duties and powers.

(8) (A) When any County Buildings Commission desires to construct a building under the provisions of section (7) hereof, the County Buildings Commission shall, by resolution, cause plans and specifications for the building to be duly made and filed in the office of the county clerk. The plans and specifications shall give a full description of the building to be constructed, the details thereof and the manner of construction. The plans and specifications shall be prepared by an architect selected by the County Buildings Commission and approved by the county. (B) If the plans and specifications are approved and if the county offers to lease the building under a lease of the kind provided in section (6) hereof, the County Buildings Commission shall cause its secretary to advertise for bids, and thereafter the County Buildings Commission, through its chairman, may contract for the construction of the building.

(9) For the purpose of defraying the cost of constructing or acquiring any building and appurtenances thereto under the provisions of section (7) hereof, any County Building Commission may borrow money and issue negotiable bonds. No such bonds shall be issued until the conditions of section (8) hereof have been complied with and until authorized by a resolution specifying the proposed undertaking, the amount of bonds to be issued and the maximum rate of interest the bonds are to bear, not exceeding 6% per annum. The resolution shall further provide that the building or buildings and appurtenances are to be constructed or adopted under the provisions hereof.

(10) All bonds issued under the provisions hereof may bear interest at a rate not exceeding 6% per annum, payable semiannually, and shall be executed in such manner and be payable at such time, not exceeding thirty years from the date thereof, and at such place as the County Buildings Commission determines. The bonds shall be sold in such manner and upon such terms as the County Buildings Commission deems for its best interests.

(11) All bonds issued under the provisions hereof shall have all of the qualities of negotiable instruments and shall not be subject to taxation. If any of the officers whose signatures appear on the bonds or coupons cease to be such officers before delivery of the bonds, the signatures shall nevertheless be valid for all purposes, the same

as if the officers had remained in office until delivery. The bonds shall be payable solely from revenues derived from the building, as provided in section 15 hereof, and shall not constitute an indebtedness of the County Buildings Commission within the meaning of the constitutional provisions or limitations. It shall be plainly stated on the face of each bond that it was issued under the provisions hereof and does not constitute an indebtedness of the County Buildings Commission.

(12) All money received from any bonds issued pursuant to the provisions hereof shall be used solely for the establishment or erection of the building and necessary appurtenances, except that the money may be used also to advance the payment of the interest on bonds during the first three years following the date of the bonds. There shall be a statutory mortgage lien upon the building and appurtenances in favor of the holder of the bonds and coupons.

(13) The building and appurtenances shall remain subject to the statutory mortgage lien provided by section (12) hereof, until the payment in full of the principle and interest on the bonds. Any in equity, protect and enforce the lien and may by action enforce and in equity, protect and enforce the lien and may be action enforce and compel performance of all duties required herein, including the making and collecting of sufficient rents, the segregation of income and revenue and the application thereof.

(14) If there is any default in the payment of principal or interest on any of the bonds, any court having jurisdiction of the action may appoint a receiver to administer the building on behalf of the County Buildings Commission, with power to charge and collect rentals sufficient to provide for the payment of any bonds or obligations outstanding against the building and for the payment of operating expenses and to apply the income and revenues in conformity with the provisions hereof and of the resolution authorizing such bonds.

(15) At or before the issuance of the bonds, the County Buildings Commission, by resolution, shall set aside and pledge the income of the building into a special fund to be used and applied in payment of the cost and maintenance of the building. The resolution shall definitely fix the amount of revenues necessary to be set aside and applied for the payment of principal and interest on the bonds. The balance of the income shall be set aside for the reasonable and proper maintenance of the building, including a sufficient sum to pay the cost of insurance. The County Buildings Commission may provide by resolution any provision and stipulation it deems necessary for the administration of the income for the security of the bond holders.

(16) The sinking fund shall be deposited in a depositary selected by the County Buildings Commission. The deposit, where practicable, shall be continuously secured by a pledge to the County Buildings Commission of direct obligations of the United States, ex-

clusive of accrued interest, at all times at least equal to the balance on deposit in the account or in some other manner acceptable to the purchasers or holders of the bonds. The securities shall be deposited with the County Buildings Commission or held by a trustee or agent satisfactory to such Commission. The sinking fund may be invested in direct obligation obligations of the United States.

(17) If a surplus is accumulated in the maintenance fund equal to the cost of maintaining the building during the remainder of the calendar or fiscal year, as may be provided by the resolution required by section 15 hereof, and the cost of maintaining and operating the building for the succeeding like calendar or fiscal year, the excess over such amount shall be transferred to the sinking fund.

(18) The County Buildings Commission may issue refunding bonds for the purpose of providing funds for the payment of any outstanding bonds, in accordance with the proceedings prescribed for the issuance of the original bonds. The refunding bonds shall be secured to the same extent and shall have the same source of payment as the bonds which are refunded.

(19) If the County Buildings Commission finds that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued subject to the same procedure.

(20) When the county has paid rent sufficient to amortize the cost of erecting the building and appurtenances and to maintain the building and pay the cost of insurance, the County Buildings Commission shall thereupon convey the premises to the county and shall transfer any balance remaining in the funds provided for in sections 15 through 17 hereof to the account of the county.

(21) Notwithstanding any of the provisions hereof, the County Buildings Commission may, by declaring its desire to do, provide, in addition to all of the other provisions authorized herein, in connection with the issuance of its bonds, that such bonds shall be its general obligations and may, in connection with the issuance of its bonds execute a mortgage deed of trust in favor of a trustee, providing that in the event of default by the Commission in the payment of interest or principal of its bonds or in the event of default of any other covenant contained in such mortgage deed of trust the trustee, upon behalf of the bondholders, may institute and carry through foreclosure proceedings, with the property secured by the mortgage deed of trust put up for sale on foreclosure proceeding, the proceeds of such sale to be used for the benefit of the bondholders. In connection with such plan of financing, such provisions may be inserted in the bonds themselves and in the mortgage deed of trust as may be necessary to protect the bondholders and in order to make such bonds salable with the lowest net interest cost to the Commission. If the County Buildings Commission declares its intent by resolution to follow the provisions of this section, and in order to do so it is necessarily

inconsistent that the provisions of any other sections of this law be complied with, such other provisions of this law which are necessarily inconsistent with the provisions of this section shall not be complied with to the extent but only to the extent of such necessary inconsistency. If general obligations of the County Buildings Commission are issued pursuant to the provisions of this section, such obligations shall be general obligations only of the County Buildings Commission as a public corporation and shall not be general obligations of the individual members of such County Buildings Commission to any extent. It is the intent of this section to permit the County Buildings Commission, if it desires to do so, to issue obligations under this section which may also be secured in the same way that obligations issued under the provisions of other sections of this law are secured, to the full extent this may be done consistent with the provisions of this section.

(22) The provisions hereof are additional and alternate methods for the acquisition of buildings by counties and do not include, alter, amend or repeal any other statute. No proceedings shall be required for the issuance of any bonds under the provisions of this law, except such as are prescribed herein.

(23) The provisions of this law are severable, and if any section, paragraph, clause or provision should ever be held to be invalid, it shall not affect the validity of the remaining provisions of this law, it being hereby declared to be the intent that the provisions which are valid shall be upheld and in full force and effect.

SB 178: AN ACT to repeal, amend and re-enact Section 30.170 Kentucky Revised Statutes, which Section relates to the practice of law and the State Bar Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 30.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Court of Appeals shall adopt and promulgate rules:

(a) Defining the practice of law;

(b) Prescribing a code of ethics governing the professional conduct of attorneys and the practice of law;

(c) Establishing practice and procedure for diciplining, suspending and disbarring attorneys;

(d) Organizing and governing a Bar Association of the attorneys of the state to act as an administrative agency of the Court of Appeals for the purpose of enforcing such rules as are adopted and promulgated by the court under this section; providing for the government of the State Bar as a part of the judicial department of the state government, and for such divisions thereof as the Court of Appeals determines; requiring all persons practicing law in this state to be members in good standing of the State Bar; and fixing the form of its organization and operation;

(e) Fixing fees upon recommendation of the board of Bar Commissioners, not to exceed ten dollars, to be paid for the purpose of administering this section and the rules adopted and promulgated under it, and for the collection and disbursement of such fees.

(2) The rules of court adopted and promulgated under this section shall supersede all laws or parts of law in conflict therewith, to the extent of the conflict.

(3) No rule adopted and promulgated under this section shall prevent a person not holding himself out as a practicing attorney from writing a deed, mortgage or will, or prevent a person from drawing any instrument to which he is a party.

SB 182: AN ACT authorizing the fiscal courts of the respective counties of the Commonwealth to appropriate and donate county funds to non-profit corporations or associations for recreation or conservation purposes, and providing restrictions thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the fiscal court of each county of the Commonwealth of Kentucky is hereby authorized to appropriate and donate funds of the respective county to non-profit corporations or associations organized and operating for recreation or conservation purposes; provided

(a) that said recreation or conservation project, or a part thereof, is located within the respective county;

(b) that the facilities of said recreation or conservation project are open to and for the benefit of the general public;

(c) that the operation and supervision of said conservation or recreation project is delegated by contract to the department or agency of the Commonwealth of Kentucky authorized by law to operate or supervise such project.

SB 195: AN ACT relating to implied bias of jurors amending Section 210 of the Criminal Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 210 of the Criminal Code of Practice is amended to read as follows:

A challenge for implied bias may be made—

1. If the juror be related by consanguinity, or affinity, or stand in the relation of guardian and ward, attorney and client, master and servant, landlord and tenant, employer and employed on wages, or

be a member of the family of the defendant, or of the person alleged to be injured by the offense charged, or on whose complaint the prosecution was instituted.

2. If he be adverse to the defendant in a civil suit, or have complained against or been accused by him in a criminal prosecution.

3. If he has served on the grand jury which found the indictment, or on the corner's jury which inquired into the death of the party, whose death is the subject of the indictment.

4. If he has served on a trial jury, which has tried another person for the offense charged in the indictment.

5. If he has been one of a former jury sworn to try the same indictment, and whose verdict was set aside, or who was discharged without a verdict.

6. If he has served as a juror in a civil action brought against the defendant for the act charged in the indictment.

7. When the offense is punishable with death, if he entertain such conscientious opinions as would preclude him from finding the defendant guilty.

8. If he has served on a trial jury which has tried the defendant for another offense.

SB 198: AN ACT relating to fire protection districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Chairman" means the Chairman of the Board of Trustees of a fire protection district organized under the provisions of KRS 75.010 to 75.080.

(2) "Fire protection district" means fire districts organized under Chapter 75 of the Kentucky Revised Statutes.

(3) "Board" means the Board of Trustees of a fire protection district organized under Chapter 75 of the Kentucky Revised Statutes.

(4) "Fire department" means the officers, firemen and clerical or maintenance employes, including the chief and assistant chief of the department.

(5) "Chief" means the chief of the fire department of a fire protection district organized under Chapter 75 of the Kentucky Revised Statutes.

(6) "Employes" means all persons employed by the Board of Trustees of a fire protection district organized under Chapter 75 of the Kentucky Revised Statutes.

(7) "Member" shall include the chief and all officers and employes of a fire department of a fire protection district.

(8) "Salary" means any compensation received for services.

(9) "Suspension" means the separation of an employe from the service for a temporary or fixed period of time, by his appointing authority, as a disciplinary measure.

(10) "Dismissal" means the discharge of an employe by lawful authority.

(11) "Trustees" means the Board of Trustees of a fire protection district.

Section 2. (1) The Chairman may, if in his discretion there is a case of need, appoint special firemen to do special duties at any place within the limits of the fire protection district, on terms he deems proper.

(2) These special firemen shall be governed by such rules as the board may provide, and be given the powers the board may provide, including the powers enumerated in Section 7 of this Act in the discretion of the board; if rules are not provided they shall be deemed to have the powers and duties of regular firemen.

Section 3. (1) The board shall control the fire department or departments within their district and the property and equipment in these departments.

(2) The board may appoint a chief of the fire department or departments and all subordinates and the number of members in the fire departments shall be determined by the board in their sole discretion. The board shall, by resolution, fix the salaries of all employes of the fire department, provide for their payment and for the payment of other expenses of the fire protection district. The board may, in their sole discretion, appoint volunteer firemen and fix, by resolution, their compensation, if any, and provide for payment of this compensation. The board may likewise reduce the number of employes of their district so long as their action is not capricious or arbitrary.

Section 4. (1) The board when disciplining members and employes of the fire protection district shall be governed by the same procedure provided for in KRS 95.450 in cases of the discipline of members of the police and fire departments in cities of the second and third classes.

(2) Whenever KRS 95.450 uses the term "city legislative body" in case of fire protection districts there shall be substituted "Board of Trustees of the fire protection district", when disciplinary measures are instituted under this section, and when KRS 95.450 uses the term "Mayor" the term "Chairman of the Board of Trustees" shall be substituted in this section.

Section 5. (1) The same right of appeal from action taken under Section 4 of this Act is guaranteed as is provided in KRS 95.460.

(2) Whenever "City legislative body" is used in KRS 95.460 there shall be substituted "Board of Trustees of the fire protection

district" in this section; whenever "KRS 95.450" is used in KRS 95.460, Section 4 of this Act shall be substituted in this section; whenever "Clerk" is used in KRS 95.460, "Secretary of the Board of Trustees" shall be substituted in this section.

Section 6. (1) No person shall be appointed a member of the fire department in fire protection districts on account of any political service, contribution, sentiment or affiliation. No member shall be dismissed, suspended or reduced in grade or pay for any political opinion.

(2) No member of the fire department of a fire protection district shall pay or collect any assessments made by political organizations, contribute to political campaign funds or be active in politics or work for the election of candidates for office.

Section 7. (1) The chief of the fire department in fire protection districts shall attend all sessions of the Board, except executive sessions, and he shall execute all the orders of the board. Whenever "Chief" is used in this Act it shall include the assistant chief when the chief is not on duty.

(2) The regular members of the fire department in fire protection districts, except volunteer firemen, shall have the same powers of arrest as now given by law to sheriffs of this Commonwealth and they are hereby expressly declared conservators of the public peace whose duties, in addition to their other prescribed duties, are to conserve the peace, enforce all laws and preserve order, and they shall have and are hereby expressly given the same right and the same power to arrest, search and seize as is now given by law to sheriffs of this Commonwealth, and they shall be at all times subject to the orders of the county judge in which the fire district lies while enforcing the provisions of this section. Provided, however, that members of said fire departments shall not have the power to serve subpoenas, summonses and notices in civil cases and they shall receive no fees for performing any of the duties prescribed in this section as pertains to powers of law enforcement. The members shall constitute a low enforcement agency in addition to the patrol and investigate functions of the sheriff and his deputies under Sections 6 to 8 of this Act.

Section 8. (1) Each member of the fire department in fire protection districts shall, before entering upon the discharge of his various duties, take an oath before the county judge in which the fire district is located, to faithfully discharge his duties and the oath shall be subscribed by the person taking it and filed in the minute book kept by the Secretary of the board.

(2) Each member of the fire department in fire districts shall give such bond as the board may designate and with such surety as required by the board conditioned upon faithful performance of their duties.

Section 9. (1) The chief or assistant chief of the fire department in fire protection districts shall be present at all fires answered by his department and investigate their causes. He may examine witnesses, compel the testimony of witnesses, administer oaths, compel production of evidence and make arrests as provided in Section 7 of this Act. He may enter any building at all reasonable times for the purpose of examining the building if, in his opinion, the building is in danger of fire. He shall report his findings to the Board when required.

(2) The chief of the fire department in fire protection districts shall direct and control the operation of the fire department and the control of the members in the discharge of their duties. He, and members of the fire department, shall have access to and the use of all cisterns, fireplugs, the waters of the waterworks of private persons and cisterns of private persons for the purpose of extinguishing fires and shall have the power to examine these water supplies at all reasonable times to see that they are in condition for use in case of fire. The chief shall have control of all hose, buildings, engines and other equipment provided for the fire department under direction of the Board, or those authorized by the board to exercise this discretion, and shall perform such other duties prescribed by the board not inconsistent with law. Upon application within ten days to the board, any owner of property where water is used for fire fighting shall be reimbursed in a reasonable amount by the board for water used.

Section 10. (1) All fire apparatus and other vehicles of the fire department of a fire protection district, and all automobiles of members and volunteers of said fire departments and the automobiles of other employes of the fire protection district, including automobiles of the Trustees, shall have the right of way in any highway over all vehicles except those carrying the U. S. Mails, with due regard to the safety of the public.

(2) No person shall refuse the right of way to any of the above named vehicles while said vehicles are being operated in the line of performance of duty by the operator and any person violating any of the provisions of this section shall be fined not less than twenty nor more than five hundred dollars for each offense.

Section 11. (1) It shall be unlawful for any person to cross a fire hose or any other firefighting equipment used by a fire department with any vehicle of any type.

(2) Any person violating any of the provisions of this section shall be fined not less than twenty nor more than five hundred dollars.

Section 12. (1) It shall be unlawful for any person to follow closer than two thousand yards behind any fire apparatus or vehicle of a fire protection district including the automobiles of those authorized the right of way in Section 10 of this Act while the vehicles are being operated in the performance of duties prescribed in this chapter.

(2) It shall be unlawful for any person to park any vehicle within one thousand yards of any fire apparatus or on any highway or other right of way when fire apparatus is engaged in fighting a fire and no person shall block the highway or other right of way leading to or from any place where there is a fire.

(3) Any person violating any of the provisions of this section shall be fined not less than twenty nor more than five hundred dollars for each offense.

Section 13. (1) Upon observing warning lights or hearing warning signals of any emergency vehicle, which shall include fire apparatus and vehicles of all kinds of a fire protection district, ambulance, police cars, sheriffs' cars, cars of firemen and volunteers and others authorized by the board to have the right of way, while all mentioned vehicles are being operated in the line of duty, all operators of vehicles in the highways or other right of ways shall immediately pull to the right as far as possible and come to a complete stop until such emergency vehicle has proceeded past for at least two thousand yards.

(2) Any person violating any of the provisions of this section shall be fined not less than twenty nor more than five hundred dollars for each offense.

Section 14. (1) The board may issue permits to all firemen, volunteer firemen and employes of the fire protection district to place and use warning lights and sirens on their private automobiles for use while in performance of duty only.

(2) Permits granted pursuant to Subsection (1) of this section shall be in writing and kept by the operator of the vehicle in the vehicle. Said permits shall be taken up and destroyed by the board when the person having the permit is no longer employed by the board.

(3) Any person using warning lights and sirens while not in the performance of duty in the fire protection district shall be fined not less than twenty nor more than five hundred dollars and subject to disciplinary action under the provisions of Section 4 of this Act.

Section 15. The Secretary of the board shall keep a minute book, appropriately bound and marked, in which the minutes of each meeting of the board shall be kept, together with all resolutions, tax levies, and other important material the board may designate. The book shall be kept on file in the office of the clerk of the county in which the greater part of the fire protection district lies. The public shall have the right to inspect the book and its contents at all times.

Section 16. (1) The board, may, in its discretion, employ or retain a regularly licensed attorney to advise them on all matters pertaining to their duties and shall have the discretion to delegate such authority to said attorney not forbidden by law. Said attorney shall attend all meetings of the board, except executive sessions when the board does not desire his presence, whenever the board shall request him to attend and shall advise the board on all legal matters on which he is requested to give advice.

(2) In addition to the attorney provided for in subsection (1) of this section, the county attorney in the county in which the fire protection district lies shall advise and represent the board in all matters and on the occasions chosen by the board whenever the board so requests.

(3) The board may fix the salary of compensation of the attorney provided for in subsection (1) of this section, in their discretion.

Section 17. (1) The board may fix the respective salaries of its members on a per meeting basis not to exceed $3.00 per meeting and not to exceed one meeting per month.

(2) The board shall meet at least once a month at a time and place designated by the board and all meetings, except executive meetings, shall be open to the public.

Section 18. (1) Any person having need to report a fire shall have the right of way over all telephone lines to report a fire.

(2) Any person refusing to allow any person to use any telephone to report a fire or refusing to surrender use of the lines to a person wishing to report a fire shall be fined not less than one hundred nor more than five hundred dollars or imprisoned in the county jail for not less than thirty nor more than one hundred and twenty days, or both.

Section 19. Section 75.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon creation of a fire protection district as provided in KRS 75.010, it shall be the duty of the county judge of the county in which the greater part of the district is located to appoint three trustees, who shall constitute the Board of Trustees of the fire protection district. The members shall be appointed for terms of one, two and three years respectively. On the expiration of the respective terms, the successors to each shall be appointed for a term of three years. In the event of a vacancy in any term, and there are two remaining trustees, the remaining trustees shall elect a trustee to fill such vacancy. If there are less than two trustees remaining the county judge shall fill such vacancies.

(2) Such trustees shall elect from their number a chairman, a secretary and a treasurer, the latter of whom shall give bond in such amount as shall be determined by the county judge of the county in which the greater part of the fire protection district is located, conditioned upon the faithful discharge of the duties of his office, and the faithful accounting for all funds which may come into his possession as such Treasurer. The premiums on such bonds shall be paid out of the funds of the district.

Section 20. Section 75.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon the creation of a fire protection district as provided in KRS 75.010 to 75.030 the trustees of such district are hereby authorized to establish and operate a fire department in such district and to levy a tax, upon the property in said district, subject to county tax, upon the property in said district, subject to county tax, and not exceeding ten cents per one hundred dollars of valuation as assessed for county taxes, for the purpose of defraying the expenses of such establishment, maintenance and operation of said fire department or to make contracts for fire protection for such district as provided in KRS 75.050.

(2) The county tax commissioner of the county or counties involved, with the co-operation of the Board of Trustees, shall note on the tax rolls the taxpayers and valuation of the property subject to such assessment. The county clerk shall compute the tax on the regular state and county tax bills in such manner as may be directed by regulation of the Department of Revenue.

(3) Such taxes shall be subject to the same delinquency date, discounts, penalties and interest as are applied to the collection of ad valorem taxes and shall be collected by the sheriff of the county or counties involved and accounted for to the treasurer of the district. The sheriff shall be entitled to a fee of one percent of the amount collected by him.

Section 21. Section 75.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) A municipal or fire protection district fire department answering any fire alarms or performing fire prevention services outside of the corporate limits of its municipality or fire protection district shall be considered an agent of the Commonwealth of Kentucky, and acting solely and alone in a governmental capacity, and such municipality or fire protection district shall not be liable in damages for any omission or act of commission or negligence while answering or returning from any fire or reported fire, or doing or performing any fire prevention work under and by virtue of KRS 75.010 to 75.060.

(2) No municipal or fire protection district fire department answering any fire alarms or performing fire prevention services inside the corporate limits of the district shall be liable in damages for any omission or act of commission or negligence while answering or returning from any fire or reported fire, or doing or performing any fire prevention work under and by virtue of this chapter and said fire departments shall be considered agents of the Commonwealth of Kentucky, and acting solely and alone in a governmental capacity.

Section 22. Whereas, fire protection districts will be required to needlessly expend their funds on impending elections of trustees and are further hindered in carrying out the purposes of this Act, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

SB 199: AN ACT relating to Excise Taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.344 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who shall purchase gasoline, on which the tax as imposed by KRS 138.220 has been paid, for the purpose of operating or propelling stationary gasoline engines or tractors for agricultural purposes, shall be reimbursed to the extent of ninety percent of the tax so paid on such gasoline; provided, however, that no refund shall be authorized unless applications therefor and all necessary information shall be filed with the Department of Revenue within ninety days after the close of a calendar year during or in which such purchases were made; or at any time during the calendar year during or in which such purchase was made; and further provided that no refund shall be authorized for purchases of less than fifty gallons.

(2) The only information to be required from the permit holder, by the Department of Revenue, in order that such refund may be allowed, is as follows:

(a) Name and address of permit holder______________permit number_________________
(b) Total number of gallons purchased____________________ (Invocise to be attached to refund application)
(c) Total number of gallons used in tractors on highways______
(d) Total number of gallons on which refund is claimed________ (Line b minus line c)

SB 203: AN ACT amending KRS 150.025 relating to fish and wildlife regulations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 150.025 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the commissioner, with the concurrence of the commission, and after giving due regard to the public recreation and sport afforded thereby, the economic value and breeding habits of any species, class, type or breed of wild life, either native or imported, finds that the supply thereof has become unduly depled or finds that, because of adverse weather conditions, floods, disease, fire, inadequate food supply, breeding conditions, lack of cover, unequal distribution, excessive destruction or widespread violations of the fish and wildlife laws or for any other reason, there is serious danger that the continued

supply thereof may be depleted, the department shall adopt such regulations as may be necessary and proper to restore supply or to prevent the further depletion thereof. Such regulations may be made to apply to a limited area or to the entire state.

(2) In carrying out the provisions of this section the department may, by regulations:

(a) Fix, close, terminate, shorten or divide open season, or make open seasons conditional;

(b) Regulate bag or creel limits and possession limits;

(c) Regulate buying, selling or transporting;

(d) Regulate the size or type of any device used for taking, and regulate any method of taking;

(e) Regulate or restrict the places where taking is permitted;

(f) Regulate taking, or the opening or closing of seasons, in waters in which the department is conducting experiments or making improvements for the prpose of promoting the conservation of wild life and increasing the supply thereof;

(g) Make any other regulations reasonably necessary to implement or carry out the purposes of this chapter.

(3) The commission shall cause the text of every regulation applying to the entire state to be published once, immediately after it is filed in accordance with the state filing law, in two different newspapers having statewide circulation and qualifying under the laws pertaining to legal notices. Every regulation applying to a limited area shall be published once, immediately after filing, in at least one newspaper of general circulation in each county in which a part of the area is located. The commisioner shall also mail two copies of every regulation to the county court clerk of each county in which the regulation is applicable, one copy of which shall be posted on the courthouse door or bulletin board. Additional distribution may be made at the discretion of the commissioner.

SB 205: AN ACT relating to Probation, Parole and Conditional Release of persons convicted of crime.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Commissioner" means the Commissioner of Welfare.

(2) "Department" means the Department of Welfare.

(3) "Director" means the Director of the Division of Probation and Parole.

(4) "Division" means the Division of Probation and Parole.

(5) "Board" means the parole board created by Section 8 of this Act.

(6) "Conditional Releasee" means any person released under the provisions of KRS 197.040.

Section 2. (1) Any circuit court, subject to the provisions and conditions provided in this Act, may postpone the entering of judgment and the imposing of sentence and probate any person arraigned before it and charged with crime. The court shall not postpone the entering of judgment or the imposing of sentence on any person whose punishment is fixed by the jury at life imprisonment or death. Except in cases where punishment is life imprisonment or death, circuit courts after a plea of guilty or after the returning of a verdict of guilty by the jury, may postpone the entering of judgment and the sentencing of the defendant and place the defendant on probation, or may impose a fine and also place the defendant on probation.

(2) In placing any defendant on probation the court shall direct that such defendant be under the supervision of the division of probation and parole.

Section 3. The period of probation shall be fixed by the court and at any time may be extended or shortened by the court by order duly entered. Such period, with any extensions thereof, shall not exceed five years, except in cases in which the defendant is charged with failure to support his dependents. Upon completion of the probationary period the defendant shall be deemed finally discharged, provided, no warrant issued by the court is pending against him, and probation has not been revoked.

Section 4. (1) No defendant convicted of or who has pleaded guilty to a felony shall be placed on probation until a written report of investigation by a probation officer shall have been presented to and considered by the court.

(2) The court in any case to assist it in determining whether probation should be considered may order an investigation by the probation officer.

(3) The probation officer shall inquire into the circumstances of the offense, criminal record social history and present condition of the defendant. Whenever indicated and practicable such investigation shall include a physical and mental examination of the defendant. The court shall give the probation officer a reasonable length of time in which to submit his report before acting upon probation. If a defendant is committed to any state penal institution the division shall send a report of such investigation to the institution.

Section 5. By order duly entered the court may impose, and at any time may modify, any conditions of probation. The court shall cause a copy of such order to be delivered to the probation officer and the probationer. It may impose as a condition, that the probationer shall do any of the following or any other:

(1) Avoid injurious or vicious habits;

(2) Avoid persons or places of disreputable or harmful character;

(3) Report to the probation officer as directed;

(4) Permit the probation officer to visit him at his home or elsewhere;

(5) Work faithfully at suitable employment as far as possible;

(6) Remain within a specified area;

(7) Pay such an amount of money into the court imposing the condition as directed by that court;

(8) Make reparation or restitution, in an amount to be determined by the court, to an aggrieved party for damage or loss caused by his offense;

(9) Support his dependents.

Section 6. (1) At any time during probation the court may issue a warrant for the violation of any of the conditions of probation and cause the probationer to be arrested. Any probation officer having reason to believe that a probationer has violated his probation may arrest him without a warrant or may deputize any peace officer to do so by giving him a written statement setting forth that the probationer, in the judgment of said probation officer, has violated the conditions of probation. Such written statement delivered with the probationer to the officer in charge of a county jail or other place of detention shall be sufficent warrant for the detention of the probationer. The probation officer shall immediately notify the court of the arrest and detention of the probationer and shall submit in writing a report showing in what manner the probationer has violated his probation. Thereupon, or upon arrest by warrant as herein provided, the court shall cause the defendant to be brought before it and may continue or revoke the probation, and may cause the sentence imposed to be executed, or may impose any sentence which might have been imposed at the time of conviction.

(2) The court upon a showing of good cause after a hearing may revoke the probation if a warrant issued for the arrest of the probationer has not been executed after diligent effort.

(3) The court without a hearing may revoke the probation if a verified copy of the order of another court is filed with him, showing that the probationer has been convicted of a subsequent crime and is incarcerated in a penal institution.

Section 7. The commissioner, with the approval of the governor, shall appoint a director of the division of probation and parole, who, with the approval of the commissioner, shall appoint a number of probation, parole and conditional release officers and other employees sufficient to administer the provisions of this Act; but no employee shall be appointed except in the manner hereinafter provided. The director shall be a person having attained at least a bachelor's degree from an accredited college and in addition thereto shall be a person with training and experience in probation, parole or other related form of welfare work.

Section 8. (1) The governor with the advice of the commissioner shall appoint a parole board consisting of three members, one of whom he shall name as chairman of the board. The board shall be attached to the department of welfare. Persons named to the board by the governor shall be those who have demonstrated their knowledge and experience in correctional treatment or crime prevention and shall be appointed without regard to their political affiliation.

(2) The members of the board shall give full time to the duties of their office and shall receive necessary traveling expenses and not less than $7500.00 per annum compensation, except the chairman of the board shall receive additional compensation of $500.00 per year for his services. Their terms of office shall be four years and until their successors are appointed and have qualified, except that the first three members shall be appointed for terms of two, three, and four years, respectively. Their successors shall be appointed thereafter as provided in this section for terms of four years, and a vacancy occurring before expiration of the term of office shall be similarly filled for the unexpired term. The chairman of the board shall serve as such until the expiration of his term at which time the governor shall name his successor and designate the chairman of the board. If a vacancy occurs in the chairmanship of the board before the expiration of the term the governor may name a successor to serve for the remainder of the unexpired term.

(3) Two members of the board shall constitute a quorum, but if two members be absent during any working day then the director may serve in their stead and his presence in such service may be counted for determining a quorum. The organization of the board shall be determined by the chairman.

(4) The governor may not remove any member of the board except for disability, inefficiency, neglect of duty, or malfeasance in office. Before such removal he shall give the member a written copy of the charges against him and shall fix the time when he can be heard in his defense, which shall not be less than ten days thereafter. Upon removal the governor shall file in the office of the Secretary of State a complete statement of all charges made against the member and the findings thereupon with a record of the proceedings.

Section 9. (1) The board shall:

(a) Study the case histories of persons eligible for parole, and deliberate on that record;

(b) Conduct hearings on the desirability of granting parole;

(c) Impose upon the parolee or conditional releasee such conditions as it sees fit;

(d) Order the granting of parole;

(e) Issue warrants for persons charged with violations of parole and conditional release and conduct hearings on such charges;

(f) Determine the period of supervision for parolees and conditional releasees, which period may be subject to extension or reduction after recommendation of the division is received and considered:

(g) Grant final discharge to parolees and conditional releasees.

(2) The board shall adopt an official seal of which the courts shall take judicial notice.

(3) The orders of the board shall not be reviewable except as to compliance with the terms of this Act.

(4) The board shall keep a record of its acts, shall notify each institution of its decisions relating to the persons who are or have been confined therein, and shall submit to the governor a report with statistical and other data of its work at the close of each fiscal year.

Section 10. (1) Subject to the provisions of this Act the board may release on parole such persons confined in any adult state penal or correctional institution of Kentucky as are eligible for parole. All paroles shall issue upon order of the board duly adopted. As soon as practicable after his admission and at such intervals thereafter as it may determine, the divison of corrections shall obtain all pertinent information regarding each prisoner, except those not eligible for parole. Such information shall include his criminal record, his conduct, employment and attitude in prison, and the reports of such physical and mental examinations as have been made. The division of probation and parole shall furnish the circumstances of his offense and his previous social history to the institution and the board. The division of corrections shall prepare a report on such information as it obtains. It shall be the duty of the division of probation and parole to supplement this report with such material as the board may request and submit such report to the board.

(2) Before granting the parole of any prisoner, the board shall consider the pertinent information regarding the prisoner and shall have him appear before it for interview and hearing. A parole shall be ordered only for the best interest of society and not as an award of clemency, and it shall not be considered a reduction of sentence or pardon. A prisoner shall be placed on parole only when arrangements have been made for his proper employment or for his maintenance and care, and when the board believes he is able and willing to fulfill the obligations of a law abiding citizen.

(3) Except as provided otherwise by this Act, the board may adopt such rules as it may deem proper or necessary with respect to the eligibility of prisoners for parole, the conduct of parole hearings,

or conditions to be imposed upon parolees; subject to the provisions of KRS 439.110. Whenever an order for parole is issued it shall recite the conditions thereof.

Section 11. (1) The total time served in the prison and on parole shall not exceed the period of the maximum sentence, except:

(a) The board may retain any prisoner on parole for a period of at least one year;

(b) If a parolee is determined by the board to have violated the provisions of his parole the period of parole shall not be counted as a part of the period of the maximum sentence, if the board so determines;

(c) If the prisoner is or was a fugitive from justice or has fled justice, then the board in its discretion may exclude such time from the period of the prisoner's maximum sentence.

(2) During the period of his parole the prisoner shall be amenable to the orders of the board and the division.

(3) Paroled prisoners shall be under the supervision of the division and subject to its direction for the duration of parole.

(4) When any paroled prisoner has performed the obligations of his parole for such time as shall satisfy the board that his final discharge is not incompatible with his welfare and that of society, the board shall make the final order of discharge and issue to the paroled prisoner a certificate of discharge.

(5) After final discharge has been ordered by the board the parolee may not be held again for a violation of that parole.

Section 12. (1) The board shall have the duty and authority to impose conditions upon prisoners released under KRS 197.040, and shall have the power to make regulations governing the conduct of such released persons.

(2) Conditionally released prisoners shall be under the supervision of the director and his division.

(3) A conditionally released prisoner shall be promptly discharged by the board upon the expiration of the period of the term of his sentence, unless sooner granted final discharge by the board provided the board does not find he has violated the conditions of his release. Proceedings for violation may be instituted at any time before final discharge.

(4) A conditional releasee may not be held again for violation of his release after final discharge has been ordered by the board.

Section 13. It shall be the duty of the commonwealth's attorney after the imposition of prison sentence, unless the defendant is granted probation, to cause to be forthwith transmitted to the institution with the commitment papers, a concise statement of the facts adduced a the trial or at the hearing of a plea of guilty, together with such notes of testimony as the board may request.

Section 14. It shall be the duty of all prison officials to furnish members of the board, or its properly accredited representatives:

(1) Access at all reasonable times, to any prisoner over whom the board has jurisdiction under this Act;

(2) Facilities for communicating with and observing such prisoner;

(3) Such reports as the board shall require concerning the conduct and character of any prisoner in their custody; and

(4) Any other facts deemed pertinent by the board in determining whether such prisoner shall be paroled.

Section 15. The board shall have the power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers, and documents as it may deem necessary for investigation of the case of any person before it. Subpoenas may be signed and oaths administered by any member of the board. Subpoenaes so isued shall be served by any sheriff, constable, police, parole or probation officer, or other peace officer and a return made to the board in the same manner as similar process in the circuit court. Any person who testifies falsely or fails to appear when subpoenaed, or fails or refuses to produce documents, records or other such material when subpoenaed, upon citation by the circuit courts where the board meets and after hearing by that court, shall be subject to the same order and penalties to which persons before that court are subject. Any circuit court, upon application of the board, may compel the attendance of witnesses, the production of documents, records or other such material, and the giving of testimony before the board.

Section 16. (1) When a prisoner is placed on parole or conditional release he shall receive from the state a sum not to exceed $10.00, suitable civilian clothing and transportation to the place in which he is to reside. However, if he is to reside outside the state, transportation shall be furnished only to the Kentucky boundary nearest his place of employment or for a distance of one hundred fifty miles from the institution, whichever is the greater.

(2) In the discretion of the department a prisoner on parole or conditional release may be advanced for his temporary maintenance such sum as the director may allow, not to exceed twenty-five dollars, from a fund provided for this purpose.

Section 17. An order of the board shall be sufficient warrant and authority to the officer in charge of any state penal institution to release from custody any paroled prisoner or conditionally released prisoner.

Section 18. No person shall be required to wear the regulation dress of the penitentiary or other thing indicating he is under conviction for a crime while out on parole or conditional release.

Section 19. (1) Any parole, probation or conditional release officer having reason to believe that a parolee or conditional releasee has violated the terms of his release may arrest such person without a warrant or may deputize any other peace officer to do so by giving him a written statement setting forth that the parolee or conditional releasee, in the judgment of the probation, parole or conditional release officer, has violated the conditions of his release. Such written statement delivered with the parolee or conditional releasee by the arresting officer to the official in charge of the station house, jail, workhouse or other place of detention, shall be sufficient warrant for the detention of the parolee or conditional releasee. The probation, parole or conditional release officer who arrests or causes the arrest of the prisoner shall notify the director at once of the arrest and detention of the parolee or conditional releasee, and shall submit in writing a report showing in what manner there has been a violation of the conditions of release. Thereupon, if the director believes the parolee or conditional releasee should be returned to prison, the director at once shall submit his recommendations to the board, and, if the board approves, it shall issue a warrant upon which the releasee shall be returned to prison, otherwise the prisoner shall be released upon the order of the director.

(2) A written statement, approved by the director, by a parole or conditional release officer, and filed with the board setting forth that the parolee or conditional releasee in the judgment of such officer has violated the condition of his release, shall be sufficient cause for the board, in its discretion, to issue a warrant for the arrest of the parolee or conditional releasee, or for his return to prison.

(3) A prisoner for whose return a warrant has been issued by the board, shall be deemed a fugitive from justice or to have fled from justice. If it shall appear he has violated the provisions of his release, then the time from the issuing of such warrant to the date of his arrest shall not be counted as any part of the time to be served under his sentence if the board in its discretion so orders.

Section 20. Any prisoner returned to prison for violation of his release shall be heard by the board within thirty days on the propriety of his re-release.

Section 21. On request of the governor the board shall investigate and report to him with respect to any case of pardon, commutation of sentence, reprieve or remission of fine or forefiture.

Section 22. (1) The governor shall appoint eminent persons interested in adult correctional problems as a non-partisan advisory council to be conversant with the operation of the state's correctional program, including the work of the board and the divisions of corrections and probation and parole.

(2) The advisory council shall:

(a) Submit to the governor an annual report of recommendations for the improvement of the correctional program;

(b) Endeavor to interpret the needs to the public and to the legislature;

(c) Recommend minimum personnel standards and advise on examination procedures relative to such a program.

Section 23. (1) The director shall have the power and duty to make rules for the conduct of persons heretofore or hereafter placed on probation, parole, or conditional release, except the director shall not make any rule which conflicts with the conditions of probation imposed by the court on conditions of release imposed by the board.

(2) The director shall:

(a) Be responsible for such reports of investigation and supervision as may be requested by the board or the courts;

(b) Divide the state into districts and assign probation, parole and conditional release officers to serve in the various districts and courts;

(c) Direct the work of such officers and other employees assigned to him;

(d) Formulate methods of investigation, supervision, record keeping and reports;

(e) Conduct training courses for the staff;

(f) Negotiate, with the approval of the commissioner, with public or private groups or institutions for further training of employees and authorize the expenditure of funds therefor when needed;

(g) Develop policies on probation and parole work in the light of other welfare administration policies.

Section 24. Probation, parole and conditional release officers shall:

(1) Investigate all cases referred to them for investigation by the director or by any court in which they are authorized to serve;

(2) Furnish to each person released under their supervision a written statement of the conditions of probation, parole or conditional release and instruct him regarding same;

(3) Keep informed concerning the conduct and conditions of each person under their supervision and use all suitable methods to aid and encourage such persons to bring about improvement in their conduct and condition;

(4) Keep detailed records of their work;

(5) Collect and disburse all moneys in accordance with the orders of the director, board or court;

(6) Keep accurate and complete accounts of all moneys received and disbursed in accordance with orders of the director, board or court, and give receipts therefor;

(7) Make such reports in writing as the court or director may require;

(8) Coordinate their work with that of other social agencies and file identifying information regarding their cases with any social service index or exchange operation in the area to which they are assigned.

Section 25. The Division of Personnel Efficiency in the Department of Finance shall prepare and conduct competitive examinations for all positions to which employees shall be appointed by the director. The Division of Personnel Efficiency shall establish qualifications for admission to, and rules for, the conduct of such examinations. From such examinations the Division of Personnel Efficiency shall compile lists of eligible employees from which appointments shall be made. The director with the consent of the Commissioner, may waive the provisions of this section with respect to any employees of the division appointed prior to the effective date of this Act and in the employment of the division at the time this Act becomes effective. After the effective date of this Act no employee other than the commissioner and director shall be discharged, except for cause.

Section 26. (1) No probation, parole or conditional release officer of the division shall:

(a) Use his office to influence elections, or to influence the political action of any person;

(b) Serve as a member of the campaign committee of any political party;

(c) Interfere with or participate in the preparation for any election, or the conduct thereof at the polling place, or with the election officers while they are performing their duties;

(d) Be in any manner concerned in demanding, soliciting or receiving any assessments, subscriptions or contributions, whether voluntary or involuntary, for any political party or candidate.

(2) It shall be unlawful for any person to be in any way concerned with demanding or soliciting assessments, subscriptions or contributions for any political party or candidate from any member or employee of the division.

Section 27. All information obtained in the discharge of official duty by any probation, parole or conditional release officer shall be privileged and shall not be received as evidence in any court. Such information shall not be disclosed directly or indirectly to any person other than the court, board, department or others entitled under this Act to receive such information, unless otherwise ordered by such court, board or department.

Section 28. The fiscal court in each county in which a probation, parole and conditional release officer serves shall provide suitable office space for the officer in or near the court house.

Section 29. The provisions of this Act are hereby extended to all persons who, at the effective date thereof, may be on probation or parole, or eligible to be placed on probation or parole under existing laws, with the same force and effect as if this Act had been in operation at the time such persons were placed on probation or parole or became eligible to be placed thereon as the case may be.

Section 30. The division, with the written approval of the governor may:

(1) Enter into an agreement with the governing body of any county or city of this state for their payment of part of the costs of the performance of services within said county or city by the division relating to any parole, probation or conditional release;

(2) Accept from the United States of America or any of its agencies such advisory services, funds, equipment and supplies as may be available to this state for any of the purposes contemplated by this Act;

(3) Enter into such contracts and agreements with the United States or any of its agencies, or with any independent or private agency as may be necessary, proper and convenient, not contrary to the laws of this state.

Section 31. (1) The governor of this state is hereby authorized and directed to execute a compact on behalf of the Commonwealth of Kentucky with any of the United States legally joining therein in the form substantially as follows:

A COMPACT

Entered into by and among the contracting states, signatories hereto with the consent of the Congress of the United States of America, granted by an Act entitled "An Act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes." The contracting states solemnly agree:

Article I

It shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state"), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state"), while on probation or parole, if (a) such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there; or (b) though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

Article II

Each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

Article III

Duly accredited officers of a sending state at all times may enter a receiving state and there apprehend and retake any person on probation or parole, for that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state: Provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

Article IV

The duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

Article V

The governor of each state may designate an officer, who acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of the compact.

Article VI

This compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state; the form of execution to be in accordance with the laws of the executing state.

Article VII

This compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intentions to withdraw from the compact to the other state party hereto.

(2) This compact may be cited as the Uniform Act for Out-of-State Parolee Supervision.

(3) For the purposes of this compact conditional release is included under the concept of parole.

Section 32. (1) Whenever any person has been found guilty of a crime, upon verdict or plea, in any court inferior to the circuit court that court may postpone the entering of judgment and place the defendant on probation.

(2) This shall not be done unless the Court, the welfare department of the city or the fiscal court of the county has provided facilities for the supervision of such persons.

(3) The period and conditions of probation and the discharge of such persons shall be in accordance with and pursuant to sections three and five of this Act.

(4) Such probationer may be arrested and his case disposed of according to section six of this Act.

Section 33. (1) Any superintendent or other officer of any prison or any peace officer who wilfully fails or refuses to execute or obey the orders of the department, one of its divisions or the board, under any provision of this Act, shall be fined not less than twenty-five dollars nor more than two hundred dollars.

(2) Any commonwealth's attorney who wilfully violates section 13 of this Act shall be fined one hundred dollars.

(3) Any person who wilfully violates any of the provisions of section 26 or 27 of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or imprisonment not exceeding one year, or both. It shall be the duty of the director to dismiss from office or employment any officer or other employee thereof who shall be convicted for violating any of the provisions of section 26 of this Act.

Section 34. Sections 439.010 to 439.060 inclusive; 439.090, 439.100, 439.120 to 439.990 inclusive of the Kentucky Revised Statutes are repealed.

SB 212: AN ACT amending KRS 57.340 relating to law books for circuit courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 57.340 of the Kentucky Revised Statutes is amended to read as follows:

On a certificate from any circuit judge that he does not have a copy of the latest revision of the statutes and annotations thereto, codes of practice and procedure, or compilation of administrative regulations, or that his copy has been lost, mutilated or torn, the state librarian shall furnish to the circuit clerk for the use of the circuit judge a copy of the publication needed, and shall furnish from time to time supplements issued to these publications. The librarian shall certify the cost of such books to the Department of Finance, which shall issue its warrant on the State Treasurer for the amount, payable out of funds appropriated for that purpose.

SB 219, AN ACT changing the classification of the City of Murray in Calloway County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Murray in Calloway County, is such as to justify its being classified as a city of the third class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Murray in Calloway County, is transferred from the fourth to the third class of cities.

SB 226, AN ACT relating to game and fish.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. "Pay lakes" are privately owned impounded waters used exclusively for fishng or other recreational purposes with neither inlets or outlets connecting directly with public waters and must be stocked at least twice each calendar year with not less than five hundred pounds of adult fish per water surface acre, obtained legally at the expense of the owner.

Section 2. (1) Any person may establish a pay lake subject to the approval of the Commissioner of the Department of Fish and Wild Life Resources, who shall have the authority to approve or reject the establishment of pay lakes and issue to the owners of such lakes a license or permit for their operation.

(2) The license for the operation of a pay lake, after approval by the Commissioner, shall be determined on a graduating cost per

water surface acre as follows: Fifty dollars for the first two acres or less than two acres and ten dollars per acre for each additional acre until the total amounts to one hundred dollars which shall represent the maximum amount that shall be paid by any pay lake owner regardless of the number of acres. If a person, persons, or firm owns more than one lake within one-half mile from another lake the total acres of all lakes shall be computed as if one lake and license so issued. These licenses shall be due and payable on January 1st and shall be valid for a period of one year.

(3) When a pay lake is licensed by the Department, the Commissioner shall issue to the owner, consecutively numbered permits to be issued to pay lake patrons. These licenses shall be issued without cost to the patron who desires to fish in said pay lake and are good only for any licensed pay lake within the state and shall be valid for one year beginning January 1st. These licenses shall be issued by the pay lake owner or operator at the headquarters on the property where the pay lake is located and it becomes his responsibility to see that each fisherman is properly licensed before fishing. When the fisherman owns either a state-wide or nonresident fishing license for the current year, the special permit shall not be required. If a fisherman owns a ten day license for the current year and uses it at a pay lake on the dates indicated on the license, no special permit shall be required.

(4) Any pay lake owner or operator that fails to comply with the laws or regulations governing the operation of a pay lake may have his operator's license revoked by the Commissioner.

(5) Any person operating a commercial fishing pond or lake that does not comply with the provisions of this Act, must require that his patrons have a regular resident, non-resident, or ten day fishing license.

Section 3. (1) All persons except minors under sixteen years of age and residents of this state over sixty-five years of age shall be required to have either a special pay lake permit or a regular valid state fishing license.

(2) Conservation officers and other officers charged with the enforcement of the provisions of this Act, shall not be hindered by pay lake owners and shall have authority to call for and inspect the license or permit of any person fishing in any pay lake.

Section 4. Any person violating the provisions of subsection (1) of Section 3 of this Act, shall be fined not less than fifteen dollars nor more than one hundred dollars.

SB 229, AN ACT relating to the maintenance and operation of the Old Governor's mansion, making an appropriation therefor, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Lieutenant Governor shall be responsible for the management, maintenance, and operation of the Old Governor's Mansion. This shall include the employment of such personnel as is provided by appropriation.

Section 2. There is hereby appropriated from the General Expenditure Fund to the Lieutenant Governor the sum of fourteen hundred dollars ($1,400.00) for costs of operation and maintenance of the Old Governor's Mansion. This appropriation shall be available for expenditure during the 1955-56 fiscal year.

Section 3. Whereas, funds are not available to meet the costs of operation of the Old Governor's Mansion, an emergency is hereby declared to exist and this Act shall take effect upon its passage and approval by the Governor.

SB 231, AN ACT relating to the office of jailer.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 71.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the provisions of KRS 64.345, any jailer may appoint not more than two deputies, and, with the approval of the county court, may appoint additional deputies. The jailer shall be liable on his official bond for the conduct of his deputies. The deputies shall have all the powers and be subject to the same penalties as the jailer. They may be removed at any time by the jailer.

(2) Subject to the provisions of KRS 441.230, any jailer may appoint a respectable woman to care for and have supervision over the female prisoners in the jail, subject to the orders of the jailer. The woman so appointed shall be called jail matron and shall receive a salary to be paid in the same manner as deputy county jailers.

Section 2. Section 64.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly court per day not exceeding	$6.00
Furnishing fuel and lights to county and quarterly court, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day	2.00
Putting a prisoner in irons, for an offense other than a felony or contempt besides the cost of irons	.50

Keeping and dieting prisoners in jail, in counties not containing a first-class city, when confined for an offense other than a felony or contempt of court, per day	1.75
Keeping and dieting prisoners in jail, when confined for an offense other than a felony or contempt of court, a fee equal to the reasonable cost of providing such services, not exceeding per day	1.75
Imprisoning and releasng a prisoner charged with a misdemeanor	.75

(2) Where the prisoner is confined for a breach of the bylaws or ordinances of a city, or for a violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt	$ .75
Keeping and dieting a prisoner charged with a felony or contempt, per day	1.75
Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons	.50
Each day's attendance upon the circuit court	6.00
Furnishing fuel, light, and water to the circuit court, not exceeding, per day	2.00

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like services.

SB 236, AN ACT appropriating twenty thousand dollars to be used for the old Governor's Mansion.

WHEREAS, the Joint Committee appointed under the provisions of Senate Resolution 44 have investigated the conditions and needs of the old Governor's Mansion, and find that the condition of the old Governor's Mansion are such that repairs, replacement of furniture, carpeting and appliances are urgently needed,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the General Expenditure Fund to the Department of Finance the sum of twenty thousand dollars to be used for the reconditioning of the old Governor's Mansion, replacement of carpeting, furniture and appliances therein, as may be needed, and making such interior decorations as may be necessary.

Section 2. In order to carry out the provisions of section 1 of this Act, the Commissioner of Finance shall cause specifications to be drawn and shall send to all contractors or suppliers in the state engaged in this field invitations to bid on performing the needed services and the furnishing of the needed supplies. The contract or contracts for performing the needed services and furnishing supplies shall be awarded to the lowest and best bidder or bidders.

Section 3. The Commissioner of Finance is hereby authorized to employ architects, interior decorators and engineers as advisers in carrying out the provisions of section 1 of this Act.

Section 4. Whereas, the condition of the old Governor's Mansion is such that the repairing and refurnishing of same is urgently needed, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

SB 237, AN ACT appropriating two hundred thousand dollars to be used for the Executive Mansion.

WHEREAS, the Joint Committee appointed under the provisions of Senate Resolution 11 have investigated the conditions and needs of the Executive Mansion, and find that the condition of the Executive Mansion are such that repairs, replacement of furniture, carpeting and appliances are urgently needed,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated out of the General Expenditure Fund to the Department of Finance the sum of two hundred thousand dollars to be used for the reconditioning of the Executive Mansion, replacement of carpeting, furniture and appliances therein, as may be needed, and making such interior decorations as may be necessary.

Section 2. In order to carry out the provisions of Section 1 of this Act, the Commissioner of Finance shall cause specifications to be drawn and shall send to all contractors or suppliers in the state engaged in this field invitations to bid on performing the needed services and the furnishing of the needed supplies. The contract or contracts for performing the needed services and furnishing supplies shall be awarded to the lowest and best bidder or bidders.

Section 3. Any carpeting, furniture, appliances or other accessories which now may be in the Executive Mansion and which are unsuitable for the Executive Mansion but may be suitable for use in the old Governor's Mansion may be transferred from the Executive Mansion to the old Governor's Mansion on order of the Commissioner of Finance.

Section 4. The Commissioner of Finance is hereby authorized to employ architects, interior decorators and engineers as advisers in carrying out the provisions of Section 1 of this Act.

Section 5. Whereas, the condition of the Executive Mansion is such that the repairing and refurnishing of same is urgently needed, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

HB 74, AN ACT relating to marketing of agricultural products.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 260.300, 260.310, 260.320, 260.330, 260.340, 260.350, 260.360, 260.370, 260.380, 260.390 and subsection (5) of 260.990 of the Kentucky Revised Statutes are hereby repealed.

HB 244, AN ACT relating to the sale, gift or delivery of alcoholic beverages to persons of less than eighteen years, and the penalty therefor,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Any person who sells, gives or delivers any alcoholic beverages to any person who has not reached his eighteenth birthday shall be imprisoned in the county jail or workhouse for not less than ten days nor more than twelve months. Such person may also be fined not more than five hundred dollars. Violations shall be prosecuted under this section and not under KRS 199.990.

(2) Where the defendant is a parent, guardian or other person to some degree responsible for the care of the child, the court may suspend sentence and release the defendant on probation for one year on his recognizance with or without sureties in such sum as the court directs. The recognizance shall require that the defendant make his personal appearance in court whenever ordered to do so, attend the child as directed by the court, and further comply with the orders of the court. If the court is satisfied by information or proof, under oath, that the defendant has violated the terms of the order, it may revoke the order and sentence him under the original conviction. Unless so sentenced, the defendant shall be discharged at the end of the year, and the conviction shall become void.

HB 296, AN ACT relating to the compensation of clerks, sheriffs and jailers in counties having a population of 75,000 or over and amending subsection (1) of Section 64.345 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The circuit clerks of each county having a population of 75,000 or over shall receive an annual salary of $9,000.00.

Section 2. Subsection (1) of Section 64.345 is amended to read as follows:

(1) The county clerk, sheriff and jailer of each county having a population of 75,000 or over shall receive an annual salary of $7,200.00.

HB 305, AN ACT relating to the Compensation of Circuit Court Clerks and the salaries of their Deputies in Counties other than those containing a population of 75,000 or more.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 64.530 KRS, Subsection (1) be, and it is hereby repealed, insofar as the same applies to Circuit Court Clerks and their Deputies, and reenacted to read as follows:

(1) Circuit Court Clerks in Counties other than those containing a population of 75,000 or more shall receive as compensation per year the maximum compensation allowed by law for Circuit Court Clerks of this Commonwealth, provided fees or funds for this purpose are sufficient. The first deputy shall be allowed to receive as salary not to exceed $5400.00 per year; the second deputy shall be allowed to receive as salary not to exceed $4800.00 per year and other deputies shall be allowed to receive as salary not to exceed $3600.00 per year.

Each Circuit Clerk shall be allowed to fix the amount of the salary of each of his deputy clerks.

Upon passage this act shall be effective the first Monday in January of 1958.

HB 352, AN ACT relating to the uniform Narcotic Drug Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 218.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who sells, supplies, prescribed, administers, dispenses or furnishes, or causes to be sold, supplied, prescribed, administered, dispensed or furnished, any narcotic drug in violation of Chapter 218 of the Kentucky Revised Statutes to a person under twenty-one years of age, shall be guilty of a felony and shall be punished by confinement in the penitentiary for not less than twenty years or by death.

(2) Any person who violates any provision of this chapter, for which a specific penalty is not otherwise provided, except KRS 218.250, shall be guilty of a felony and shall, for the first offense, be punished by confinement in the penitentiary for not less than two years no more than five years or by a fine of not less than one thousand dollars nor more than five thousand dollars, or both, and, for each subsequent offense, be punished by confinement in the penitentiary for not less

than five years nor more than twenty years, and by a fine of not more than five thousand dollars.

(3) No court or judge thereof, shall, pursuant to KRS 439.020 to 439.060 or otherwise, postpone or suspend judgment or sentence or probate a defendant when the defendant has pleaded guilty to or been convicted of selling, supply, prescribing, administering, dispensing or furnishing, or causing to be sold, supplied, prescribed, administered, dispensed or furnished, any narcotic drug in violation of this chapter to a person under twenty-one years of age, or when the defendant has previously pleaded guilty to or been convicted of a violation of any of the other provisions of this chapter, except KRS 218.250, or has previously pleaded guilty to or been convicted of a violation of any of the narcotic laws of the United States of America or any state or territory thereof.

(4) Whenever a person charged with a violation of subsection (1) of KRS 218.250 waives a jury, the court or judge thereof may, upon the defendant pleading or being found guilty, sentence the defendant to imprisonment for any period of time not exceeding twelve months without the intervention of a jury. Notwithstanding the provisions of subsection (2) of KRS 218.250, no court or judge thereof shall, pursuant to KRS 439.020 to 439.060 or otherwise, postpone or suspend judgment or sentence or probate a defendant when the defendant has pleaded guilty to or been convicted of a violation of KRS 218.250 unless the defendant consents to enter and forthwith enters an institution approved by the court for the treatment of narcotic addicts and remains therein until discharged by said institution; failure of the defendant to do so shall automatically revoke his probation and require the prompt entry of judgment and service of sentence in the county jail.

HB 374, AN ACT relating to establishment of public street lighting districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Upon a petition signed by at least fifty-one percent of the voters, as determined by the registration books covering such territory, and living within the boundary of a proposed public street lighting district filed in the circuit court clerk's office of the county in which the greater part of such territory is located, not less than twenty days before the commencement of the next regular terms of said court, and in courts of continuous sessions not less than twenty days before the first day of the next calendar month, notice of the filing of such petition and the object thereof having been published in two issues of some newspaper of general circulation in the county, and by notices posted for at least ten days before the commencement of the said court, one at the courthouse door, and three others at public places within the bounds of the proposed public street lighting district, the petition setting out the metes and bounds of the proposed public street lighting district to include only property within three hundred feet from the center of the portion of the street or highway proposed to be illuminated, the number of voters thereof, and such other facts as may be thought proper, on the second day of the term, and in courts of continuous session on the day provided for in such notice, the court shall, if proper notice has been given, and publication made, and no written objection, remonstrance or defense is interposed, enter a judgment establishing a public street lighting district in accordance with the prayer of the petition, naming it, and describing the boundary thereof by metes and bounds. Defense, objection or remonstrance may be made to the petition by an inhabitant of the proposed public street lighting district, or any person owning property therein, and if defense, objection or remonstrance is made, the court shall hear and determine the same, and render a judgment establishing or refusing to establish the public street lighting district as may seem proper. The pleadings and practices as herein provided shall be the same as in civil cases, as nearly as may be practicable and in accordance with Kentucky Rules of Civil Procedure, with right of appeal as therein provided. Such appeal shall be advanced upon the docket.

(2) In no event shall any public street lighting district include within its metes and bounds and territory at that time or thereafter included in any city of this Commonwealth, or any territory which is more than three hundred feet from the center of the part of the street or highway sought to be illuminated.

Section 2. (1) The territorial limits of an established public street lighting district as established under this Act may be enlarged or diminished in the following way: the public street lighting district trustees shall file a petition in the circuit court clerk's office of the county in which that district and the territory to be annexed or stricken off, or the greater part thereof, is located, not less than thirty days before the next regular term of said court, and in courts of continuous session not less than thirty days before the first day of a succeeding calandar month describing the territory to be annexed or stricken and setting out the reason therefor. Notice of the filing of such petition shall be given publication and posting in the same manner as provided for in Subsection (1) of Section 1 of this Act. On the second day of the term, and in courts of continuous session on the day fixed in the notice, the court shall, if the proper notice has been given, and publications made, and no written defense, objection or remonstrance is interposed enter a judgment annexing or striking off the territory described in the petition. Fifty-one percent or more of the freeholders of the territory sought to be annexed or stricken off may, at any time before the next regular term of said court and in courts of continuous session at any time before the date fixed in the notice, remonstrate in writing, filed in the clerk's office, to the action proposed. If such written remonstrance be filed said clerk shall promptly give notice to the trustees of the public street lighting district, and the court shall promptly set the case for hearing. If, upon such hearing, the court finds from the evidence that a failure to annex or strike off such territory will materially retard the functioning of the public street lighting district and materially affect adversely the owners and inhabitants of the territory sought to be annexed or stricken off, it shall enter a judgment granting the annexation or striking off of the territory. In the latter event, no new petition to annex or strike off all or any part of the same territory shall be entertained for a period of two years. The pleadings and practice herein provided shall be the same as in civil cases, and in accordance with the Kentucky Rules of Civil Procedure, with right of appeal to the Court of Appeals, within sixty days. Such appeal shall be advanced upon the docket.

(2) The property in any territory annexed to a public street lighting district shall not be liable to taxation for the purpose of paying any indebtedness incurred by the public street lighting district prior to the date of the annexation of such territory. The property in any territory stricken off from a public street lighting district shall not be relieved of liability of such taxes as may be necessary to pay its proportionate share of the indebtedness incurred while such territory was a part of that district.

Section 3. (1) Upon the creation of a public street lighting district as provided in this Act, it shall be the duty of the county judge to call an election in such district, which election shall be held within the district not later than thirty days after final judgment creating the district is entered, and thereafter an election shall be held on the first Saturday in May of each year provided ten percent of the voters in said district petition the County Judge for such election. At such election all registered voters, as determined by the registration books covering such territory, and no other, shall be eligible to vote. At such election three public street lighting district trustees shall be lected, who shall be resident taxpayers and voters of the public street lighting district. The first trustees elected shall hold office as follows: The candidate receiving the highest number of votes shall be elected for a term of three years; the candidate receiving the second highest number of votes shall be elected for a term of two years, and the candidate receiving the third highest number of votes shall be elected for a term of one year. In case of a tie, the length of the term of the candidates shall be determind by lot. On the expiration of the respective terms of officers aforesaid, the successor of the trustee whose term is expired shall be elected for a term of three years or until a successor is elected. In the event of a vacancy in any term caused by death or otherwise, and there are two remaining trustees, the remaining trustees shall elect a trustee to fill out the unexpired term caused by such vacancy. If there are less than two trustees remaining the county judge shall fill the vacancies. All trustees shall hold office for the terms of their election and until their successors are elected and qualified.

(2) Such persons as are delegated by the county judge for that purpose shall preside at the election in each public street lighting district. Said election shall be held on the day designated by the county judge at such places in the district selected by the county judge, and shall be by printed ballot, the polls to be open from 6:00 A.M. to 5:00 P.M. The county judge shall make regulation for the tabulation of the ballots, such tabulation to be held immediately upon the close of the polls, at the place designated by the county judge. All expenses incident to said election, including the providing and printing of ballots, shall be paid out of the funds of the district.

(3) Such trustees shall elect from their number a chairman and a secretary and treasurer, the latter of whom shall give bond in such amount as shall be determined by the county judge of the county in which the public street lighting district is located, conditioned upon the faithful discharge of the duties of his office, and the faithful accounting for all funds which may come into his possession as such treasurer. The premiums on such bonds shall be paid out of the funds of the district.

(4) The trustees shall perform their duties without charge for their services, and shall receive no salary from the funds of the district.

Section 4. Upon the creation of a public street lighting district as provided in this Act, the trustees of such district are hereby authorized to establish and operate a public street lighting district and to levy a tax upon the property in said district, subject to county tax, in not exceeding thirty cents per one hundred dollars of valuation as assessed for county taxes, for the purpose of defraying the expenses of such establishment, maintenance, erection, and operation of said public street lighting department or district, or to make contracts for public street lighting for such district as provided in this Act. After the tax has been levied as herein provided, such trustees shall certify the same to the sheriff of the county in which the public street lighting district is located, who shall collect such tax when and as the county taxes are collected by him. Any delinquent public street lighting district taxes shall bear the same interest and penalties as do delinquent county taxes. For the collection of the tax the sheriff shall be entitled to a commission of one per cent of the amount collected.

HB 387, AN ACT prohibiting certain practices of discrimination by employers, employment agencies, labor organizations and others because of race, color, religious creed, ancestry, age or national origin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The practice or policy of discrimination in relation to employment against individuals by reason of their race, color, religious creed, ancestry, age or national origin is a matter of concern to the Commonwealth. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the Commonwealth and undermines the foundations of a free democratic state. The denial of equal employment opportunities because of such discrimination and the consequent failure to utilize the productive capacities of individuals to their fullest extent deprive large segments of the population of the Commonwealth of earnings necessary to maintain decent living standards, necessitates their resort to public relief and intensifies group conflicts; thereby resulting in grave injury to the public health, welfare and safety.

It is hereby declared to be the public policy of this Commonwealth to foster the employment of all persons in accordance with their fullest capacities, regardless of their race, color, religious creed, ancestry, age or national origin and to safeguard their right to obtain and hold employment without discrimination.

This Act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare, prosperity, health and peace of the people of the Commonwealth of Kentucky.

Section 2. The opportunity to be employed without discrimination because of race, color, religion, ancestry, age or national origin is hereby recognized as, and declared to be, a civil right of every inhabitant of the Commonwealth of Kentucky.

Section 3. Definitions.—As used in this Act:

(a) The term "person" includes one or more individuals, partnership, associations, organizations, corporations, legal representatives, trustees in bankruptcy or receivers.

(b) The term "employer" includes the Commonwealth or any political subdivision or board, department, commission or school district thereof, and any person employing four or more persons within the Commonwealth, but does not include religious, fraternal, charitable or sectarian corporations or associations, except such corporations or associations supported in whole or in part by governmental appropriations.

(c) The term "labor organizations" includes any organization which exists for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in relation to employment.

(d) The term "employee" does not include any individual employed in agriculture or in the domestic service of any person, nor any individual employed by his parents, spouse or child.

(e) The term "employment agency" includes any person regularly undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer or place employees.

(f) The term "Commission" means the Kentucky Fair Employment Practices Commission created by this Act.

(g) The term "discriminate" includes "segregate."

(h) The term "age" includes any person between the ages of forty and sixty-five, inclusive.

Section 4. Unfair Employment Practices.—It shall be an unlawful practice:

(a) For any employer to refuse to employ, or to bar or discharge from employment, or otherwise to discriminate against an individual with respect to hire, tenure, advancement, terms, conditions or privileges of empoyment, or any other matter directly or indirectly relating to employment, because of race, color, religion, ancestry, age or national origin of such individual, unless his action is based upon a bona fide occupational qualifaction, and certified as such by the Commission.

(b) For any employment agency to fail or refuse to classify properly, refer for employment, or otherwise to discriminate against any individual because of his race, color, religion, ancestory or national origin, unless its action is based upon a bona fide occupational qualification, and certified as such by the Commission.

(c) Except where based on a bona fide occupational qualification certified by the Commission, for an employer, employment agency or labor organization, prior to employment or admission to membership, directly or indirectly to:

(1) elicit any information or make or keep a record of or use any form of application blank containing questions or entries concerning the race, color religion, ancestry, age or national origin of any applicant for employment or membership.

(2) print or publish or cause to be printed or published any notice or advertisement relating to employment or membership, indicating any preference, limitation, specification, or discrimination, based upon race, color, religion, ancestry, age or national origin.

(3) deny or limit, through a quota system, employment or membership because of race, color, religion, ancestry, age or national origin.

(4) utilize for recruitment or hiring of individuals, any employment agency, placement service, training school or center, labor organization or any other employee-referring source which discriminates against individuals because of their race, color, religion, ancestry, age or national origin.

(d) For any individual seeking employment to publish or cause to be published any advertisement which specifies or in any manner indicates his race, color, religion, ancestry, age, or national origin, or expresses a limitation or preference as to the race, color, religion, ancestry, age or national origin of any prospective employer.

(e) For any labor organization, because of race, color, religion, ancestry, age or national origin, to deny full and equal membership rights to any individual or otherwise to discriminate in any manner against him with respect to his hire, tenure, advancement, terms, conditions, or privileges of employment or any other matter directly or indirectly related to employment or membership, whether or not authorized or required by constitution or by-laws of such labor organization, or by a collective bargaining agreement or other contract.

(f) For any employer, employment agency or labor organization to discriminate in any manner against any individual because such individual has opposed any practice forbidden by this Act, or because such individual has made a charge, testified or assisted in any manner in any investigation, proceeding or hearing under this Act.

(g) For any person, whether or not an employer, employment agency, labor organization or employee, to aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful employment practice, or to obstruct or prevent any person from complying with the provisions of this Act or any order issued thereunder, or to attempt, directly or indirectly, to commit any act declared by this section to be an unlawful employment practice.

Section 5. Fair Employment Practices Commission.—There shall be established in the Department of Industrial Relations a nonpartisan, departmental administrative commission for the administration of this Act, which shall be known as the "Kentucky Fair Employment Practices Commission."

The Commission shall consist of five members who shall be appointed by the Governor, and one of whom shall be designated chairman by the Governor. The term of office of each member of the Commission shall be five years and until his successor is qualified and appointed; provided, however, that of the commissioners first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. Vacancies occurring shall be filled in the manner aforesaid for the balance of that term.

Three members of the Commission shall constitute a quorum for the purpose of conducting business.

Each member of the Commission shall receive twenty-five dollars ($25) per diem compensation for the time actually devoted to the business of the Commission.

Any member of the Commission may be removed by the Governor for neglect of duty or misconduct in office, after having been given a written statement of the charges and a reasonable opportunity to be heard.

Section 6. Powers and Duties of the Commission.—The Commission shall have the following functions, powers and duties:

1. To establish and maintain a central office in Frankfort.
2. To meet and function at any place within the Commonwealth.
3. To appoint an executive secretary and such attorneys, clerks and other employees and agents as it may deem necessary; to fix their compensation within the limits prescribed by law and to prescribe their duties.
4. To adopt, promulgate, amend and rescind such rules and regulations as will effectuate the policies of this Act.
5. To initiate, receive, investigate and pass upon complaints charging unlawful employment practices.
6. To hold hearing, subpoena witnesses, compel their attendance, administer oaths, take testimony of any person under oath, and, in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the Commission. The Commission may make rules as to the issuance of subpoenas by individual commissioners. Contumacy or refusal to obey such subpoena shall constitute contempt, punishable, upon application of the authority issuing such subpoena, by the Circuit Court of the county in which the hearing is held, or in which the person subpoenaed resides or transacts business.
7. To create such advisory agencies and conciliation councils as in its judgment will aid in effectuating the purposes of this Act.
8. Devise and promote such educational programs as the Commission may deem desirable to hasten the elimination of prejudice among the racial and religious groups in this Commonwealth.
9. To issue such publications and such results of investigations and research as in its judgment will promote good will and minimize or eliminate discrimination.
10. To render each year to the Governor and to the General Assembly a full written report of all its activities and of its recommendations.

Section 7. Procedure.—Any person claiming to be aggrieved by an alleged unlawful employment practice may make, sign and file with the Commission a verified complaint in writing, which shall state the name and address of the person, employer, labor organization or employment agency alleged to have committed the unlawful employment practice complained of, and which shall set forth the particulars thereof and contain such other information as may be required by the Commission. The Commissioner of Industrial Relations may, in like manner, make, sign and file such complaint. The Commission, whenever it has reason to believe that any person has been or is engaging in an unlawful employment practice, may issue such a complaint. Any employer whose employees, or some of them, refuse or threaten to refuse to cooperate with the provisions of this Act, may file with the Commission a verified complaint, asking for assistance by conciliation or other remedial action.

After the filing of any complaint, or upon its own initiative, the Commission shall make a prompt investigation of the alleged act of discrimination.

If after investigation the Commission shall determine that no probable cause exists for crediting the allegations of the complaint it shall, within ten days from the date of such determination, cause to be issued and served upon the complainant written notice of such determination, and the complainant or his attorney may, within ten days after such service, file with the Commission a written request for a preliminary hearing before the Commission to determine probable cause for crediting the allegations of the complaint. If it shall be determined after such investigation that probable cause exists for crediting the allegations of the complaint, the Commission shall immediately endeavor to eliminate the unlawful employment practice complained of by conference, conciliation and persuasion. The members of the Commission and its staff shall not disclose what has transpired in the course of such endeavors: Provided, That the Commission may publish the facts in the case of any complaint which has been dismissed, and the terms of conciliation when the complaint has been adjusted, without disclosing the identity of the parties involved.

In case of failure so to eliminate such practice or in advance thereof, if in the judgment of the Commission circumstances so warrant, the Commission shall cause to be issued and served a written notice, together with a copy of such complaint as the same may have been amended, requiring the person, employer, labor organization or employment agency named in such complaint, hereinafter referred to as respondent, to answer the charges of such complaint at a hearing before the Commission at a time and place to be specified in such notice. The place of any such hearing shall be in the county in which the alleged offense was committed.

The case in support of the complaint shall be presented before the Commission by one of its attorneys or agents. The respondent may file a written, verified answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony. The complainant may likewise appear at such hearing in person or otherwise, with or without counsel, and submit testimony. The Commission or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his answer. The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and be transcribed.

If, upon all the evidence at the hearing, the Commission shall find that a respondent has engaged in or is engaging in any unlawful employment practice as defined in this Act, the Commission shall state its findings of fact, and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay, admission or restoration to membership in any respondent labor organization as, in the judgment of the Commission, will effectuate the purposes of this Act, and including a requirement for report of the manner of compliance. If, upon all the evidence, the Commission shall find that a respondent has not engaged in any such unlawful employment practice, the Commission shall state its findings of fact, and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent.

The Commission shall establish rules or practice to govern, expedite and effectuate the foregoing procedure and its own actions thereunder. Any complaint filed pursuant to this section must be so filed within ninety days after the alleged act of discrimination. Any complaint may be withdrawn at any time by the party filing the complaint.

Section 8. Enforcement and Judicial Review.—The complainant, the Attorney General or the Commission may secure enforcement of the order of the Commission or other appropriate relief by the Franklin County Circuit Court. Such proceeding shall be initiated by the filing of a petition in such court, together with a transcript of the record of the hearing before the Commission, and issuance and service of a copy of said petition as in proceedings in equity. The court shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter, upon the pleadings, testimony and proceedings set forth in such transcript, an order or decree enforcing, modifying and enforcing as so modified, or setting aside, in whole or in part, the order of the Commission, and the jurisdiction of the court shall not be limited by acts pertaining to equity jurisdiction of the courts. An appeal may be taken as in other civil actions.

Section 9. Penalties.—Any person who shall wilfully resist, prevent, impede or interfer with the Commission, its members, agents or agencies in the performance of duties pursuant to this Act, or shall wilfully violate an order of the Commission, shall be sentenced to pay a fine of not more than five hundred dollars ($500.00), or to undergo imprisonment not exceeding thirty (30) days, or both, in the discretion of the court, but procedure for the review of an order shall not be deemed to be such wilful conduct.

Section 10. Appropriation.—To carry out the purpose of this Act, there is appropriated to the Department of Industrial Relations out of the General Expenditure Fund in the State Treasury the sum of fifteen thousand dollars ($15,000.00) for the 1956-57 fiscal year, and the sum of fifteen thousand dollars ($15,000.00) for the 1957-58 fiscal year.

HB 395, AN ACT relating to public works.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created to read as follows:

"Public authority" as used in KRS 337.510 and 337.520 shall, except for work by or for state agencies, mean the Department of Industrial Relations.

HB 396, AN ACT relating to child labor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 339.230 of the Kentucky Revised Statutes is amended to read as follows:

A minor who has passed his fourteenth birthday but is under sixteen years of age may be employed, permitted or suffered to work in, about or in connection with any gainful occupation, except: (1) He may not be employed during regular school hours, unless:

(a) He has been granted a special employment certificate in accordance with the provisions of KRS 339.290, and then only in such occupations as are authorized in accordance with that section; or

(b) The school authorities have made arrangement for him to attend school at other than the regular hours, in which event he may be employed subject to KRS 339.260, during such of the regular school hours as he is not required to be in attendance under the arrangement; or

(c) He has graduated from high school.

(2) He may not be employed:

(a) In, about or in connection with any manufacturing or mechanical establishment.

(b) On or in connection with any power-driven machinery except under school supervision as provided in KRS 339.430.

(c) As a messenger for any person, firm or corporation engaged primarily in the business of transmitting or delivering goods or messages.

(d) In the manufacture, transportation, or use of explosives or highly inflamable substances; in or about mines or quarries; in any tunnel or excavation; in logging operations or in any sawmill, lath mill, single mill, or cooperage stock mill; as engineers, firemen, brakemen, or switchmen or any railroad; in the operation of motor vehicles; upon any scaffolding or in heavy construction work; in operating steam boilers carrying a pressure of fifteen pounds or more; in operating or assisting in operating elevators, cranes, derricks, or hoists; in operating or assisting in operating any punch presses or stamping machines, metal or paper cutting machines having a guillotine action, metal shears or plate bending machines, machines used for cold rolling of heavy metal stock, woodworking machines, grinding, abrasive or polishing machines, laundry or dry ceaning machines, calendar rolls or mixing rolls in paper or rubber manufacturing, dough breakers or dough mixing machines, or machines used for opening, picking or carding of cotton or wool; in ore reduction works; smelters; hot rolling mills; plant manufacturing iron and steel; foundries; forging shops, and in any other place in which the heating, melting, or heat treatment of metals is carried on; in the manufacture or use of dangerous or poisonous dyes or chemicals and their compounds, or in the manufacture of lead, or in exposure to lead or its compounds; in any occupation involving exposure to radioactive substances; in oiling or cleaning machinery in motion; in stone cutting or polishing; or in assorting, manufacturing or packing tobacco.

(e) In, about or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, sold for consumption or dispensed (except he may be employed in places where the sale of alcoholic beverages by the package is merely incidental to the main business actually conducted), or in a pool or billiard room.

(f) In any place of employment, or at any occupation, that is hazardous or injurious to the life, health, safety or welfare of such minor.

(g) In a public bowling alley.

(3) A female minor of such age may not be employed in the distribution or sale of newspapers, magazines or periodicals, or in the street occupations of peddling or bootblacking or in any other occupation pursued in any street or public place.

HB 397: AN ACT relating to collection of wages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The Commissioner of Industrial Relations may take an assignment of a wage claim in trust for the assigning employe and may bring any legal action necessary to collect such a claim for amounts due under the provisions of KRS 337.050, 337.510 to 337.550, and from violations of minimum wage orders. The commissioner may also proceed in any other case where wages due and unpaid are not in excess of two hundred dollars.

(2) In any case under subsection (1) of this section where the commissioner may so request, the county attorney of the county having jurisdiction shall promptly bring such action and enforce payment of such claim.

(3) In any action under this section the employer shall be required to pay the costs and such reasonable attorney's fees as are

allowed by the court. The commissioner shall not be required to pay the filing fee, or other costs, in connection with such action.

HB 407: AN ACT relating to explosives and other blasting devices in mines.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 352.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The use of black powder, either granular or in pellet form and the use of dynamite for firing shots is prohibited in all underground coal mines in the State of Kentucky provided that black powder may be used where the mine will be unoccupied for a period of at least eight hours following the setting off of any charge.

(2) Explosives shall be fired only by electric detonators of the proper strength except as provided for in KRS 352.260.

(3) When blasting is done electrically, only permissible single shot blasting units or permissible multiple shot blasting units shall be used unless blasting is done from the surface.

(4) Individual containers used to carry permissible explosives or detonators underground shall be constructed of substantial non-conductive material. The container shall be closed and maintained in good condition. When explosives or detonators are transported underground by locomotive, rope, or shuttle car, they shall be in covered cars or in special containers.

(a) The bodies and covers of special cars and the containers shall be constructed of non-conductive material.

(b) If explosives and detonators are hauled in the same explosives car or in the same special container, they shall be separated by at least a four inch substantially fastened hardwood partition or the equivalent.

(c) Cardox shells shall not be carried on man-trips.

(d) Where quantities of explosives and detonators are transported in special cars or in special containers in cars, they shall be hauled on a special trip, not connected to any other trip, and shall not be hauled into or out of a mine within five minutes preceding or following a man-trip or any other trip. When traveling with the air current, the explosive trip shall procede the man-trip; when traveling against the air current, the man-trip shall precede the explosive trip.

(5) Explosives and detonators shall be transported underground by belt only under the following conditions:

(a) In the original and unopened case, in special closed cases constructed of non-conductive material, or in suitable individual containers;

(b) Ample clearance shall be provided when transported by belt;

(c) Suitable loading and unloading stations shall be provided;

(d) There shall be an attendant at loading and unloading points and stop controls at these points.

(6) Explosives or detonators shall not be transported on flight or shaking conveyors, or by scraper or mechanical loading machines.

(7) Underground section boxes or magazines shall be of substantial construction and placed in a crosscut or idle room neck at least twenty-five feet from roadways or trolley wires and in a reasonably dry and well rock-dusted place; and when such section boxes or magazines are used, the explosives and detonators shall be kept in separate boxes or magazines, or if kept in the same box they shall be separated by at least a four inch substantially fastened hardwood partition or the equivalent. Not more than a forty-eight hour supply of explosives, including any surplus remaining from the previous day, shall be stored underground in such boxes or magazines. Explosives kept near the working faces in individual containers shall be kept not less than fifteen feet from rail or power lines and in a location out of line of blast where they will not likely be subjected to shock. Detonators shall be kept in a separate container under similar conditions. Explosives and detonators shall be kept in their containers fifteen feet apart until removed for use at the working faces.

(8) Boreholes in coal shall not be drilled beyond the back of the cut, nor into the solid rib, roof or floor.

(9) Boreholes shall be cleaned and checked to see that they are placed properly and are of correct depth, in relation to the cut, before being charged.

(10) To prevent blowthroughs, all portions of the boreholes, where the height of the coal permits, shall have a burden in all directions of at least eighteen inches before being fired.

(11) Boreholes shall be stemmed with at least twenty-four inches of incombustible material, or at least two-thirds of the length of the hole shall be stemmed.

(12) Examinations for gas shall be made immediately before and after firing each shot where on-shift shooting is done in gaseous mines.

(13) When blasting coal, charges exceeding one and one-half pounds, but not exceeding three pounds, shall be used only if boreholes are six feet or more in depth, and explosives are charged in a continuous train with no cartridges deliberately deformed or crushed, with all cartridges in contact with each other, and with the hole stemmed solidly for a depth of at least twenty-four inches.

(14) Shots shall be fired by qualified shot firers.

(15) In mines where shooting is done on shift, all shots or series of shots shall be fired immediately after charging.

(16) Only wooden tamping bars shall be used when charging holes.

(17) Leg wires of electric detonators shall be kept shunted or the ends twisted together until ready to connect to the firing cable.

(18) Shots shall not be fired from the power or signal circuit while any men are in the mine.

(19) Roof and faces of working places shall be tested before and after blasting on shift.

(20) Ample warning shall be given before shots are fired, and care shall be taken to ascertain that all persons are in the clear. Men shall be removed from adjoining working places when there is danger of a shot blowing through.

(21) Mixed charges shall not be charged or fired in any borehole.

(22) Adobe (mudcap) or other open, unconfined shots shall not be fired in any mine.

(23) Blasting cables shall be well insulated and as long as may be necessary to permit the shot firer to get in a safe place around the corner, short-circuited at the battery end until ready to attach to the blasting unit, staggered as to length or kept well separated when attached to the detonator leg wires, and kept clear of power wires and all other possible sources of active or stray currents.

(24) Where misfires occur with electric detonators, a waiting period of at least five minutes shall elapse before anyone returns to the shot. After such failure, the blasting cable shall be disconnected from the source of power and the battery end short circuited before electric connections are examined. If fuse is used a waiting period of twelve hours shall elapse before returning to the face. Explosives shall be removed by firing a separate charge at least two feet away from, and parallel to, the misfired charge or by washing the stemming and the charge from the borehole with water, or by inserting and firing a new primer after the stemming has been washed out. A very careful search of the working place, and, if necessary, of the coal after it reaches the tipple shall be made after blasting a misfired hole, to recover any undetonated explosive. The handling of a misfired shot shall be under the direct supervision of the foreman or a competent person designated by him.

(25) The provisions governing the handling storage and transportation of explosives shall apply to the heater elements of Cardox blasting devices prior to their installation in the shells. Charged Cardox shells shall be transported underground in insulated cars or in insulated boxes placed in ordinary mine cars except where transported on rubber belts and shall be stored on wooden racks, built for that purpose, in a crosscut or an idle room neck, at least ten feet from power lines and haulage tracks. Where cardox is used for blasting, the following shall apply:

(a) Cardox shells need not be tamped or stemmed;

(b) When Cardox is fired, all persons in the vicinity, including the shot firer, shall be around a second corner or in an equally safe place;

(c) Blasting cables shall be as long as may be necessary to assure the safety of the shot firer, attached only after the charge has been placed in the borehole, and maintained in good repair;

(d) The charge shall be detonated with a permissable shot firing unit;

(e) Cardox shall not be shot off the solid, over heavy rock binders or shale, or in a "tight" shot;

(f) Cardox misfires caused by the failure of the disk to rupture shall not be removed from the hole until after the lapse of five minutes and shall be handled under the supervision of a foreman or other competent designated person;

(g) Misfired shells shall be bled off promptly and marked conspicuously upon removal from the hole.

(26) Where Airdox is used for blasting or breaking down the coal, the following shall apply:

(a) Compressed air shall be conducted from the compressor to within a practical working distance of the face by steel air lines tested to withstand an approximate pressure of twenty thousand pounds a square inch;

(b) Air lines shall be grounded at the compressor, and, if possible, at other low-resistance ground connections along the lines such as at borehole casings. They shall not be connected in any way to tracks, water lines, or other electric power return conductors and shall be suitably insulated where they cross electric wires or underneath the track;

(c) Unions shall be installed in steel air lines at not more than one-thousand foot intervals;

(d) Shut-off valves shall be installed every one thousand feet in all Airdox lines and, in all branch lines, at a point near the main lines;

(e) Airdox lines shall be protected at places where equipment passes over, under or adjacent to them;

(f) Steel or copper lines shall not be handled or repaired when air pressure is in the line;

(g) Air lines shall be examined periodically for kinks or other weaknesses and replaced immediately when defects are found;

(h) Copper tubing shall be coiled and uncoiled properly. The part of the tubing that is affected by frequent coiling and uncoiling shall be renewed periodically because of the dangers from kinks and crystallization;

(i) Blow-down valves shall not be less than forty-five feet from the face and shall be around a right angle;

(j) Holes for Airdox tubes shall not be drilled on the solid;

(k) The Airdox tube shall be pushed to the back of the drill hole and then withdrawn six to twelve inches to form an air cushion.

(1) When blow-down valves are opened to discharge the Airdox tube, they shall remain open until time to place the tube in the next borehole;

(m) After the breaking down of the coal in any one place, the tube shall be disconnected at once from the air line and not reconnected until ready to be used in the next place;

(n) When an Airdox tube fails to discharge, the copper line leading to the tube shall be disconnected at the blow-down valve, and the tube shall be dragged by means of the copper line to an abandoned place marked with warning signs, and left for twelve hours before any repair work is done thereon;

(o) All persons shall be removed from adjoining working places where there is danger of breaking through and shall be at a safe distance around a right angle, while coal breaking is in progress.

(27) Notwithstanding any provisions of this section except subsection (1), the department may authorize the construction, maintenance, operation or conducting of any activity regulated by this section to be constructed, maintained, operated or conducted in a different manner than specified in any provision of this section except subsection (1), when scientific or engineering information is made available to the department substantially indicating that the different manner would afford equal or greater protection and safety than the manner required in any provision of the section.

HB 408: AN ACT to regulate the construction, installation, repair, use and operation of boilers and unfired pressure vessels.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act shall be known and may be cited as the "Boiler Safety Act".

Section 2. (1) There is hereby created within the Department of Industrial Relations a Board of Boiler Rules, which shall hereafter be referred to as the board, consisting of five members who shall be appointed by the Governor, one for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years. At the expiration of their respective terms of office, they, or their successors identifiable with the same interests respectively as hereinafter provided, shall be appointed for terms of four years each. The Governor may at any time remove any member of the board for inefficiency or neglect of duty in office. Upon the death or incapacity of any member the Governor shall fill the vacancy for the remainder of the vacated term with a representative of the same interests with which has predecessor was identified. Of these five appointed members two shall be representative of owners and users of boilers within this state, one shall be a representative of a boiler insurance company licensed to do business within this state, one shall be a graduate mechanical engineer having qualifying experience, and one shall be representative of the boilermakers. The board shall elect one of its members to serve as chairman and, at the call of the chairman, the board shall meet at least two times each year at the State Capitol or other place designated by the board.

(2) The members of the Board of Boiler Rules shall serve without salary and shall receive their actual traveling and hotel expenses, incurred while in the performance of their duties as members of the board, to be paid in the same manner as in the case of other state officers.

(3) The board shall formulate definitions, rules and regulations for the safe and proper construction, installation, repair, use and operation of boilers and unfired pressure vessels in this state. The definitions, rules and regulations so formulated shall be based upon, and, at all times, follow the generally accepted nation-wide engineering standards, formulae, and practices established and pertaining to boiler construction and safety, and the board may by resolution adopt an existing published codification thereof, known as The Boiler Construction Code of The American Society of Mechanical Engineers, with the amendments and interpretations thereto made and approved by the Council of the Society, and may likewise adopt the amendments and interpretations subsequently made and published by the same authority; and when so adopted the same shall be deemed incorporated into, and to constitute a part of the whole of the definitions, rules and regulations of the board. Amendments and interpretations to the code so adopted shall be adopted immediately upon being promulgated, to the end that the definitions, rules and regulations shall at all times follow the generally accepted nation-wide engineering standards.

(4) (a) The rules and regulations formulated and duly by the board shall have the force and effect of law, except that the rules applying to the construction of new boilers shall not be construed to prevent the installation thereof until twelve (12) months after their approval by the board.

(b) Subsequent amendments in the rules and regulations adopted by the board shall be permissive immediately and shall become mandatory twelve (12) months after such approval.

Section 3. No power boiler or low pressure boiler which does not conform to the rules and regulations formulated by the board governing new construction and installation shall be installed and operated in this state after twelve (12) months from the date upon which the first rules and regulations under this Act pertaining to new construction and installation shall become effective.

Section 4. All boilers which were in use, or installed ready for use in this state prior to the date upon which the first rules and regulations became effective, or during the twelve (12) months period immediately thereafter, shall be made to conform to the rules and regulations of the board governing existing installations, and the formulae prescribed therein shall be used in determing the maximum allowable working pressure for such boilers.

Section 5. (1) This Act shall not apply to boilers under Federal control.

(2) The following boilers shall be exempt from the requirements of Sections 10, 11, 12, and 13 of this Act:

(a) Boilers located on farms and used solely for agricultural purposes.

(b) Steam or Hot Water Heating boilers used for heating purposes carrying a pressure of not more than 30 pounds per square inch gauge.

(c) Unfired pressure vessels carrying a pressure of not more than 150 pounds per square inch gauge.

Section 6. (1) Within sixty days after the passage of this Act and at any time thereafter that the office of the Chief Inspector may become vacant, the Commissioner of Industrial Relations shall appoint a Chief Inspector who shall have had at the time of such appointment not less than ten (10) years practical experience in the construction, maintenance, repair, or operation of high pressure boilers and unfired pressure vessels, as a mechanical engineer, steam engineer, boilermaker, or boiler inspector, and who shall have passed the same kind of examination as that prescribed for Deputy or Special Inspectors in Section 9 of this Act, to be Chief Inspector until his successor shall have been appointed and qualified. Such Chief Inspector may be removed for cause after due investigation by the board and their recommendation to the Commissioner of Industrial Relations.

(2) The Chief Inspector, if authorized by the Department of Industrial Relations is hereby charged, directed, and empowered:

(a) To cause the prosecution of all violators of the provisions of this Act.

(b) To issue, or to suspend, or revoke for cause, Inspection Certificates as provided for in Section 11 of this Act.

(c) To take action necessary for the enforcement of the laws of the State governing the use of boilers and of the rules and regulations of the board.

(d) To keep a complete record of the type, dimensions, maximum allowable working pressure, age, condition, location, and date of the last recorded internal inspection of all boilers to which this Act applies.

(e) To publish and distribute, among manufacturers and others requesting them, copies of the rules and regulations adopted by the board.

Section 7. The Department of Industrial Relations shall employ Deputy Inspectors who shall be responsible to the Chief Inspector and who shall have had at time of appointment not less than five years (5) practical experience in the construction, maintenance, repair, or operation of high pressure boilers and unfired pressure vessels as a mechanical engineer, steam engineer, boilermaker, or boiler inspector, and who shall have passed the examination provided for in Section 9 of this Act.

Section 8. (1) In addition to the Deputy Boiler Inspectors authorized by Section 7 of this Act, the Commissioner of Industrial Relations shall, upon the request of any company authorized to insure against loss from explosion of boilers in this state or authorized under Section 15 of this Act to self insure against such loss, issue to any boiler inspectors of said company commissions as Special Inspectors.

(2) Such Special Inspectors shall receive no salary from, nor shall any of their expenses be paid by, the state, and the continuance of a Special Inspector's Commission shall be conditioned upon his continuing in the employ of a boiler insurance company or self-insurer duly authorized as aforesaid and upon his maintenance of the standards imposed by this Act.

(3) Such Special Inspectors shall inspect all boilers insured or self-insured by their respective companies and, when so inspected, the owners and users of such insured boilers shall be exempt from the payment to the state of the inspection fee as provided for in Section 13 of this Act.

(4) Each company employing such Special Inspectors shall within thirty days following each boiler inspection made by such inspectors, file a report of such inspection with the Chief Inspector. Reports of external inspections shall not be required except when such inspections disclose that the boiler is in a dangerous condition.

(5) The Commissioner of the Department of Industrial Relations, the Chief Inspector, or any Deputy or Special Inspector, shall have free access, during reasonable hours, to any premises in the State where a boiler is being constructed, or is being installed, repaired, or operated, for the purpose of ascertaining whether such boiler is constructed, installed, and operated in accordance with the provisions of this Act.

Section 9. (1) The examinations for Chief, or Deputy Inspectors shall be in writing and shall be held by the board, or by at least two members of the board. Such examinations shall be confined to questions the answers to which will aid in determining the fitness and competency of the applicant for the intended service. In case an applicant for an inspector's appointment or commission fails to pass the examination, he may appeal to the board for another examination which shall be given by the board within ninety days. The record of an applicant's examination shall be accessible to said applicant and his employer.

(2) A commission may be suspended or revoked after due investigation and recommendation by the board to the Commissioner

of the Department of Industrial Relations for the incompetence or untrustworthiness of the holder thereof, or for wilful falsification of any matter or statement contained in his application or in a report of any inspection. A person whose commission has been suspended or revoked, except for untrustworthiness, shall be entitled to apply to the board for reinstatement or, in the case of revocation, for a new examination and commission after ninety days from such revocation.

(3) A person whose commission has been suspended or revoked shall be entitled to an appeal as provided in Section 15 of this Act and to be present in person or represented by counsel on the hearing of the appeal.

Section 10. (1) On and after the effective date of this act each boiler or unfired pressure vessel used or proposed to be used within this state, except boilers exempt in Section 5 of this Act, shall be thoroughly inspected as to their construction, installation, condition and operation.

(2) Power boilers shall be inspected annually both internally and externally while not under pressure and shall also be inspected annually externally while under pressure if possible, provided that any power boiler or steam generator, the operation of which is an integral part of or is a necessary adjunct to other continuous processing operations, shall be inspected internally at such intervals as are permitted by the shutting down of said processing operations;

(3) A race period of two (2) months longer than the twelve (12) months period may elapse between internal inspections of a boiler while not under pressure or between external inspections of a boiler while under pressure.

(4) The inspections herein required shall be made by the Chief Inspector, or Deputy Inspector, or by a Special Inspector provided for in this Act.

Section 11. (1) If upon inspection, a boiler is found to comply with the rules and regulations of the board, the owner or user thereof shall pay directly to the Chief Inspector the sum of one ($1.00) dollar and the Chief Inspector or his duly authorized representative, shall issue to such owner or user an inspection certificate bearing the date of inspection and specifying the maximum pressure under which the boiler may be operated. Such certificate shall be valid for not more than fourteen (14) months from its date. Certificates shall be posted under glass in the room containing the boiler inspected, or, in the case of a portable boiler, in a metal container to be fastened to the boiler or to be kept in a tool box accompanying the boiler.

(2) The Commissioner of the Department of Industrial Relations or his authorized representative may at any time suspend an inspection certificate when, in his opinion, the boiler for which it was issued, cannot be operated without menace to the public safety, or

when the boiler is found not to comply with the rules and regulations herein provided.

Section 12. After twelve (12) months following the date on which this Act becomes effective, it shall be unlawful for any person, firm, partnership or corporation to operate under pressure in this state a boiler without a valid inspection certificate. The operation of a boiler without such certificate, or at a pressure exceeding that specified in such certificate, shall constitute a misdemeanor on the part of the owner, user, or operator thereof and be punishable by a fine not exceeding one hundred dollars ($100.00). Each day of such unlawful operation shall be deemed a separate offense.

Section 13. The owner or user of a boiler or unfired pressure vessel required by this Act to be inspected by the Chief Inspector or a Deputy Inspector shall pay the inspection fee established in this section, for transmission to the General Fund in the State Treasury.

(1) For internal or external inspections of a boiler or unfired pressure vessel, a fee of $10.00 shall be paid for each inspection.

(2) When it is necessary to make a special trip to witness the application of a hydrostatic test, a fee not in excess of $40.00 per day shall be paid.

(3) For shop inspections, or the inspection of second-hand or used boilers by the Chief Inspector or a Deputy Inspector, a fee of not less than $12.50 for one-half day of four hours or $25.00 for a full day of eight hours, plus all expenses, shall be charged.

Section 14. The Chief Inspector shall furnish a bond in the sum of five thousand ($5,000.00) dollars and each of the Deputy Inspectors, employed and paid by the State shall furnish a bond in the sum of two thousand ($2,000.00) dollars conditioned upon the faithful performance of their duties and upon a true account of moneys handled by them respectively and the payment thereof to the proper recipient.

Section 15. Any owner or user of boilers or unfired pressure vessels subject to Section 10 of this Act, who maintains and operates, under the supervision of one or more regularly employed professional engineers, an inspection or maintenance service in which one or more inspectors are regularly employed on inspection work, including the inspection of boilers operated by such user, shall, upon application showing such fact and a showing that such user is possessed of financial ability to bear any loss and to pay all final judgments or awards obtained against such user by reason of the operation of such boilers, may act as a self-insurer of his or its boiler explosion risk in this state; and when so authorized such user and the inspectors regularly employed by such user shall be entitled to all the rights and privileges and shall be subject to all the requirements, duties and obligations provided in this Act respectively for boiler insurance companies and inspectors employed by such companies.

Section 16. (1) Any person aggrieved by an order or act of the Commissioner of the Department of Industrial Relations, or the Chief Inspector, under this Act may, within fifteen days after notice thereof, appeal from such order or act to the board which shall, within thirty days thereafter, hold a hearing after having given at least ten days written notice to all interested parties. The board shall, within thirty days after such hearing, issue an appropriate order either approving or disapproving said order or act. A copy of such order by the board shall be given to all interested parties.

(2) All final administrative decisions of the board hereunder shall be subject to judicial review by the Franklin Circuit Court.

HB 410: AN ACT relating to the pledging of assets by depositaries to secure public funds deposited therein, amending section 287.330 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 287.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) Banks and trust companies shall be required, upon the request of the depositor, to pledge such portion of their assets as shall be necessary to secure the payment in full of the amount of any public funds which have been deposited therein. Such pledge shall be maintained by segregating such pledged property upon the premises of the depositary or by delivering such property to the possession of a third person or corporation, the value of such pledged property to be at least equal at all times to the amount of such deposits of public funds currently to the credit of such depositors as shall have requested the pledge. Such pledge shall then be valid without necessity of delivery of possession of the pledged property to the depositor, or without compliance with any recording law which may now or hereafter be in force. "Public funds" shall mean any funds owned by or properly in the possession or custody of any governmental or public entity, authority, subdivision, agency, instrumentality or public corporation, including, without limitation of the generality of the foregoing, the United States, the Commonwealth of Kentucky, or any county, municipality, public school district, other taxing district or non-profit corporation acting as the instrumentality or agency of any of same within the Commonwealth of Kentucky.

(2) Notwithstanding any law requiring security for deposits in the form of collateral, surety bond or in any other form, security for such deposits shall not be required to the extent said deposits are insured under the provisions of Section 12B of the Federal Reserve Act (38. Stat. 251) as amended.

(3) If a bank proposes to sell its assets and transfer its deposit liability to another bank and the purchasing bank is unwilling to accept a sufficient amount of the assets to cover the liability to depositors

and other creditors, the selling bank may, with the consent of the director of banking, pledge all or a part of its remaining or unacceptable assets to secure a loan for an amount sufficient to cover the remaining liability to the depositors and other creditors.

HB 413: AN ACT relating to zoning and planning powers of cities of the third, fourth, fifth and sixth class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 100.500 of the Kentucky Revised Statutes is amended to read as follows:
The legislative body of any city of the third, fifth and sixth class may regulate and restrict the height, number of stores and size of buildings, and other structures, the percentage of lot that may be occupied, the size of yards, courts and other vacant spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

Section 2. Section 100.610 of the Kentucky Revised Statutes is amended to read as follows:
Any city of the third, fifth or sixth class may make, adopt, amend or carry out a plan as provided in section 100.610 to 100.830 of the Kentucky Revised Statutes.

Section 3. Section 100.710 of the Kentucky Revised Statutes is amended to read as follows:
When a planning commission is created in a city of the third, fifth or sixth class, all powers and records of the zoning commission of such city shall be vested in and transfered to the planning commission.

HB 414: AN ACT providing for an alternate method of financing the operation of a county law library in counties containing a city of the third class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any county containing a city of the third class may adopt the following method of financing the cost of operation and maintenance of the county law library, in lieu of the method set out in KRS 172.130:
(1) Upon petition of three-fourths of the duly licensed and practicing attorneys resident in the county, addressed to the circuit judge of the county, to the effect that they, as officers of the various courts of the county, recognized the need of a more adequate county law library, there being attached to said petition an attested copy of a resolution of the fiscal court of the county endorsing the adoption of this optional method of financing the cost of operation and main-

tenance of the county law library, the circuit judge shall enter an order upon the official order book of the circuit court of the county, noting that said optional plan for the financing of the cost of operation and maintenance of the county law library has been adopted.

(2) The order shall set forth the names of each duly licensed and practicing attorney signing said petition, and the county court order book and page number containing the resolution of the fiscal court.

(3) The order shall order and direct that:

(a) The clerk of the circuit court shall forthwith cause to be delivered to the clerk of every court in the county, including quarterly, county, justices, and city or police courts, a certified copy of the order.

(b) Upon receipt of notice by the clerks of said courts of the entry of the order, there shall be taxed as costs in all actions, excepting examining trials and felony trials, thereafter instituted in said courts the following fee which said fee shall be designated as county law library fee, to-wit: In Quarterly, County, Justices', and City or Police Courts, the sum of fifty cents; In Circuit Courts, on all civil actions the sum of one dollar and on all misdemeanor trials the sum of fifty cents.

(c) The clerks of the various courts shall, at the end of each month, pay all sums collected as County Law Library Fee in their respective courts, during the preceding month, to the trustees of the county law library, and the clerks shall make a full report with said payment, and receive a receipt for said payment.

Section 2. Upon adoption of this optional method of financing a county law library in counties containing a city of the third class, the funds derived from the county law library fee shall be designated county law library fund, and said fund shall be under the sole and full control of the trustees of the county law library.

Section 3. (1) Upon the adoption of this optional plan, the circuit judge shall appoint one member of said county's bar, and the members of the county bar shall, by majority vote, elect another of their number, which two attorneys shall, with the county attorney of the county constitute and be designated as "Trustees,______________________________ County Law Library."

(2) The trustees shall serve for a term of two years or until their successors are elected or qualified.

(3) The trustees shall be in charge of the county law library, and they shall make purchases of the various state and federal case reports, text books, legal encyclopedia, and all other books usually incident to or customarily found in law libraries, or necessary to the protection of the rights of litigants, and they shall cause same to be properly arranged in the county law library, directing the ex-officio librarian in the exercise of his duties.

(4) The trustees shall exercise their absolute discretion in the purchase of books, pamphlets, periodicals, and other material, as aforesaid, but they shall not contract for any such purchases so as to create an indebtedness greater than the anticipated revenue for the following eighteen months, the anticipated revenue being based upon the preceding eighteen months' revenue, and any indebtedness of the county law library fund shall not be considered in any way an indebtedness of the county, but shall be an indebtedness of the county law library fund only, and all creditors must look only to the county law library fund for satisfaction of their indebtedness.

(5) The trustees shall designate one of their number as treasurer for said trustees, and he shall be accountable for the receipt, deposit, and disbursement of all sums received for the operation of the county law library. He shall be bonded by a corporate bond, the cost of which shall be paid out of the receipts of the library fund. He shall deposit all sums received by him as treasurer in a regular banking depository, and he shall pay for all purchases made by the trustees by check or draft, keeping a true and accurate account of all sums received and expended by him. He shall annually file a written report with the circuit judge of the county showing all sums received by him, together with the court from which they were received, and an itemized statement of all expenditures made by him. The treasurer shall turn all funds over to his successor, together with a full inventory of the county law library, and together with a full and complete itemized statement of all outstanding accounts.

HB 420: AN ACT relating to the limit on compensation of local Officers and Employees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.620 of the Kentucky Revised Statutes, 1953 Edition, is amended to read as follows:

With the exception of the office of mayor of any city of the first class and city manager of cities organized under the city manager form of government, the compensation of any employee of a county, city, political subdivision, local governmental unit or district, or of any city or county board of commission, or city-county board or commission, for services rendered in one or more offices or positions of employment, shall not exceed the sum of ten thousand dollars ($10,000.00) per annum.

HB 422: AN ACT relating to fees of Circuit Clerks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Circuit Clerk shall be paid out of the State Treasury an allowance of ten percent for taxes collected from his office on original actions, and also those received from lower courts, and including jury fees, seals, and appeals.

HB 423: AN ACT relating to the advancement of funds from the State Treasury to pay witnesses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Each Circuit Clerk shall pay each witness for the Commonwealth in a felony case the compensation allowed him by law, under appropriations provided by the General Assembly and in accordance with procedures governing expenditures from appropriations. He shall take a receipt for each payment made by him showing the date on which payment is made. For the purpose of providing for such payments the State Treasurer, on direction of the Department of Finance, shall advance to each circuit clerk an imprest fund sufficient for the payments for a term of court or, if the court is one of continuous session, sufficient for a period not to exceed sixty (60) days.

(2) Beginning the first Monday in January, 1958, each circuit clerk shall be allowed an amount equal to ten percent of the funds disbursed by him to witnesses under this section.

Section 2. (1) Each circuit clerk shall be liable on his official bond to account for the full amount advanced to him under Section 1 of this Act. Each circuit clerk shall file a statement with the Department of Finance, in such form as the department prescribes, showing the amounts disbursed since the last preceding report, accompanied by a receipt for each amount disbursed signed by the person to whom it was paid, and showing the date of the payment and the days of service for which payment was made, and such other information as the department prescribes. This report shall be forwarded to the Department of Finance within twenty days after the term of court has ended, or in the case of courts of continuous session, within twenty days after the end of the period for which funds are advanced.

(2) Any circuit clerk who fails to comply with the provisions of subsection (1) shall be required to pay a penalty of five percent of all funds not so paid or accounted for.

Section 3. Section 421.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Witnesses subpoenaed for the State in felony cases shall be allowed out of the State Treasury $1.00 per day for each day in attendance in the circuit court, beginning with the day set for the trial of the case. If a witness resides in another county, he shall receive in addition to per diem, four cents per mile going and returning by the nearest traveled route. The witness shall be paid the amount

due him by the circuit clerk from an imprest fund as provided for by law.

(2) No witness subpoenaed for the state in felony cases shall be allowed the per diem of one dollar for more than one day unless such witness is actually used on the trial or excused by the court or Commonwealth's attorney on the first day such witness appears for the trial, and before such witness is subpoenaed by the Commonwealth there has been filed with the circuit clerk a statement signed by the Commonwealth's attorney or the county attorney to the effect that the witness has been interviewed by the county or Commonwealth's attorney, and that in the judgment of the county or Commonwealth's attorney, the witness is an important one. The circuit clerk shall not issue any subpoena in felony cases except upon the written request of the county or Commonwealth's attorney filed with him.

Section 4. Section 421.030 of the Kentucky Revised Statutes is amended to read as follows:

A Commonwealth's witness in a felony case who resides in another state shall be allowed the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending, and five dollars for each day he is required to travel and attend as a witness, the same to be paid as other witnesses are paid for the Commonwealth of Kentucky. No allowance shall be made unless the judge of the court has made an order based upon the personal knowledge of the circuit judge or upon information showing that the testimony of the witness is material to the state, requiring the attendance of the witness. The witness shall be paid the amount due him by the circuit clerk from an impressed fund as is provided for by law.

HB 424: AN ACT relating to the method ascertaining the population of certain counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.347 of the Kentucky Revised Statutes is amended to read as follows:

For the purposes of subsections (2) and (3) of KRS 27.080, 64.270, 64.345, 64.346, 64.350 and Section 106 of the Kentucky Constitution, the Federal decennial census enumeration shall be prima facie evidence only of the population of a county, and the population of a county may be ascertained and determined by other evidence where the Federal decennial enumeration does not correctly show the actual population.

Section 2. Whereas, the computation of population based exclusively upon the Federal decennial census works a hardship on a number of counties and their officials, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

HB 432: AN ACT relating to condemnation for oil or gas pipeline storage facilities and other facilities used in connection therewith.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 278.501 of the Kentucky Revised Statutes is hereby repealed.

HB 464: AN ACT relating to pre-school child care centers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Center" means any child care center, private day nursery, nursery school, boarding school, kindergarten or other like establishment which cares for not less than five children, between the ages of two and six years, in return for tuition, fees or other forms of compensation; provided, that "center" shall not include any school or college now operating a center authorized by law, any children's home, orphan asylum, children's aid society, public agency operated by a city or county, school district operating a center, or any other organization incorporated and regulated under the laws of the state;

(2) "Superintendent" means "Superintendent of Public Instruction";

(3) "Age" means the age attained at a child's last birthday;

(4) "Day" means any twenty-four hour period from twelve o'clock midnight through eleven-fifty-nine p. m.

(5) "Permit" includes both a "regular" and "provisional" permit. "Regular" permits are those issued by the superintendent upon satisfactory proof of compliance with the provisions of this Act. "Provisional" permits are those issued by the superintendent, within the discretion of the superintendent, for the purpose of enabling centers to comply with the provisions of this Act; no such permits shall be issued for a period exceeding three years time from the date of issuance, and shall be subject to such rules and regulations providing for inspection, compliance, suspension or cancellation thereof as the superintendent may prescribe as a condition to the issuance thereof.

Section 2. (1) No person, firm, corporation, association or organization shall conduct, operate, maintain or establish a center unless a permit therefor has been issued by the superintendent, and such permits shall not be transferable.

(2) Each center in operation as of the effective date of this Act shall, within sixty days thereafter, make application to the superin-

tendent, on a form provided for that purpose, for a permit. Permit application forms shall be as prescribed by the superintendent and shall include the following:

(a) The name and address of the center, its owners, operators, instructors, assistants and personnel engaged in the operation of the center;

(b) Certificates from the local county health officer, fire marshal, or in his absence, the chief of the fire department, building inspector and such other inspecting personnel as may be designated by the superintendent showing that the applicant has complied with all conditions required by such officials.

(3) If a permit is not issued within three months from the date of application the applying center shall cease to operate. No center shall be established, or operate, after the effective date of this Act except as herein provided.

(4) Each initial application for a permit hereunder shall be accompanied by the payment of a fee in the amount of thirty-five dollars and shall, excepting provisional permits, be renewable upon expiration and re-application when accompanied by payment of a fee in the amount of ten dollars, subject only to compliance with the provisions hereof. Regular permits, and renewals thereof, shall expire one year from their effective date. Each center shall post its permit in a conspicuous place. No change in address may be effected by any center without the approval of the superintendent.

(5) The superintendent shall, pursuant to regulations adopted by the State Board of Education under Section 4 of the Act, regulate the issuance of permits to established centers not meeting the requirements of this Act, and may revoke the permit of any center failing to meet such requirements within a reasonable period of time.

Section 3. Centers shall, at all times, be open to inspection by such persons and inspectors as are herein provided for and shall keep such records, furnish such information and reports, and comply with such rules and regulations as may be adopted and published pursuant to the provisions of Section 4.

Section 4. The State Board of Education shall promulgate reasonable rules and regulations, not inconsistent herewith, to properly administer the provisions of this Act.

Section 5. All fees collected under the provisions of this Act shall be paid into the State Treasury, and credited to a special fund for the purpose of administering this Act.

Section 6. There shall be an advisory committee, consisting of five members appointed by the superintendent, to advise and consult with the superintendent in the development of rules and regulations, and the ensuring of compliance with the provisions of this Act.

HB 472, AN ACT changing the classification of the City of Murray in Calloway County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Murray in Calloway County, is such as to justify its being classified as a city of the third class.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Murray in Calloway County, is transferred from the fourth to the third class of cities.

HB 496, AN ACT relating to resignations, removals and vacancies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The city council, in cities of the fifth and sixth class, may, by majority vote of the members of such council, remove a councilman who is ineligible to serve at the time of his election or who shall become ineligible before or after taking office.

HB 499, AN ACT relating to alcoholic beverages prohibition.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Title to contraband included in subsections (3), (4), (5) and (6) of KRS 244.180 seized in a dry territory shall rest in the board, irrespective of whether such contraband was seized by peace officers of the city or county or state administrators or field representatives of the department.

Section 2. The board shall cause a private sale of such contraband as is included in section 1 of this Act to be made and shall, after deducting the expense of keeping and selling such contraband, return the balance of the proceeds of such sale to the proper authorities of the city or county in which such seizures occurred provided that such seizure was affected by the peace officers of the city or county where such seizure occurred. Where the seizure of such contraband is accomplished by the state administrators or field representative of the department, the board shall cause a private sale of such contraband to be made and shall, after deducting the expense of keeping and selling such contraband, pay the balance to the State Treasury and to be credited to the General Fund.

HB 502, AN ACT relating to the employment of minors upon approval of juvenile Courts except in certain cases and amending KRS 339.290.

WHEREAS, juvenile delinquency is a pressing problem in this Commonwealth, and,

WHEREAS, gainful employment of minors is one of the principal agencies in avoiding and combating juvenile delinquency,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

KRS 339.290 is repealed, amended and reenacted so that when reenacted it shall read as follows:

339.290

(1) Employment certificates shall be of four kinds: General employment certificates, vacation employment certificates, special employment certificates, and Juvenile Court employment certificates. A general employment certificate shall permit the employment of a minor between sixteen and eighteen, or a minor who has completed high school, during the entire year. A vacation employment certificate shall permit the employment of a minor between fourteen and sixteen during school vacations or outside the hours the minor is required to be in attendance at school. A special employment certificate shall permit the employment during the entire year of a minor fourten or fifteen years of age who has been excused from compulsory school attendance under the provisions of paragraph (c) or (d) of subsection (1) of KRS 159.030. A special employment certificate shall be issued to a minor who has been so excused from compulsory attendance, upon compliance with the same requirements as in the case of a general employment certificate, except that a schooling record shall not be required. A special employment certificate shall not authorize the employment of a minor in or in connection with or for a factory. A Juvenile Court employment certificate may be issued at the direction of the Juvenile Court to a minor between the ages of fourteen and eighteen who is within the jurisdiction of a Juvenile Court of this Commonwealth under the provisions of KRS Chapter 208. Such a certificate shall relate to a particular employment of a particular minor by a particular employer and may authorize any gainful employment except those employments mentioned in KRS 339.230 (a) d, e, and f, and KRS 339.230 (3) and 339.240 (3). A juvenile employment certificate may be revoked at the direction of the Juvenile Court at any time.

(2) If on account of mental condition a minor has been exempted from attendance at school or recommended by a state child guidance clinic or other approved examiner to be placed in an institution for retarded children, the certificating officer shall issue an employment certificate to such minor only when satisfied that the work available and the supervision under which it will be performed are such that the job is suitable and safe for said minor to undertake.

HB 508, AN ACT to create a Division of Hospital Care within the Department of Health and to prescribe procedures to be administered by said Division, whereby counties may obtain financial assistance in the care of certain indigent persons who are hospitalized due to acute illness or injury.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is the legislative intent that this Act be interpreted as recognizing the fact that many counties are unable to provide adequate hospital care for certain indigent persons resident within their borders and as prescribing procedures whereby counties may, upon the appropriation of state funds for that purpose, obtain financial aid in the hospital care of such persons. It is the legislative intent to equalize, insofar as is possible, the opportunity of acutely ill and injured indigent persons to obtain immediate hospitalization and to accomplish this equalization by making funds available to counties, on a matching basis, in amounts which will vary in accordance with the relative wealth of the respective participating counties and with the counties' compliance with other standards hereinafter prescribed.

Section 2. Definitions:

(a) "Indigent person" as used in this Act means any resident of this State who is receiving public assistance from the State or the United States and/or any resident who is receiving or is eligible to receive general assistance from the city or county, or both, in which said person resides.

(b) "Public assistance" means:

1. Old age pensions
2. Aid to the needy blind
3. Aid to dependent children
4. Aid to the totally disabled

(c) "General assistance" means:

1. Room and board in the county poor farm, poor house, or infirmary.
2. General relief, such as food, clothing, or shelter.

(d) "Acutely ill" means that the person is suffering from an illness, the onset of which was sudden; which may be expected to reach its climax rapidly, and be of relatively short duration. Or, that the person is suffering from an acute episode of a chronic illness, which episode requires immediate, emergency or quasi emergency hospital treatment, but which may be expected to be of relativly short duration.

(e) "Injured" means that the person has received some traumatic injury which requires immediate hospital treatment.

(f) "Hospital" means any institution, publicly or privately owned, having not less than ten (10) beds, for the care of persons needing medical or surgical care, and holding a license to do business in Kentucky under Section 216.430 of Kentucky Revised Statutes, and having on its staff one or more medical doctors who hold an unlimited license to practice medicine in Kentucky, and in addition meets the requirements set forth in any regulations promulgated by the Commissioner of Health pursuant to authority granted by this Act.

(g) "Hospital care" means care afforded any indigent person in any hospital as hereinabove defined.

(h) "Per capita amount of taxable property" means the figure which is derived by dividing the total assessed value of all property which is subject to ad valorem taxation in a county, by the population of said county as reported in the last federal census.

Section 3. There is hereby created within the Department of Health a Division of Hospital Care. This Division shall be headed by a director appointed by the Commissioner of Health, and staffed by such persons as may, in the opinion of the Commissioner, be reasonably necessary. The Department of Health, through said Division, shall be charged with the responsibility for administering the provisions of this Act.

Section 4. There is hereby created an Advisory Council on Hospital Care for the Indigent, which Council shall advise with the Commissioner concerning the administration of this Act. Said Council shall consist of the Commissioners of Health and Economic Security, ex officio, and thirteen (13) or more members to be appointed by the Governor in the following manner:

2 members to be appointed from a list of 5 nominees submitted by the Kentucky Medical Association.

2 members to be appointed from a list of 5 nominees submitted by the Kentucky Hospital Association.

2 members to be appointed from a list of 5 nominees submitted by the Kentucky State Dental Association.

2 members to be appointed from a list of 5 nominees submitted by the Kentucky Association of Registered Nurses.

2 members to be appointed from a list of 5 nominees submitted by the Kentucky Pharmaceutical Association.

1 member to be appointed from a list of 3 nominees submitted by the Dean of the Medical School of the University of Louisville.

1 member to be appointed from a list of 3 nominees submitted by the Dean of any other duly accredited medical school which may hereafter be established in this State.

1 member to be appointed from a list of 3 nominees submitted by the Kentucky Farm Bureau.

1 member to be appointed from a list of 3 nominees submitted by the Kentucky Federation of Labor.

Members of said Advisory Council shall be appointed for terms of four (4) years and may be reappointed for an additional four (4) years, but no Council member shall serve for a term of more than eight (8) consecutive years. Members of the Advisory Council shall serve without compensation but shall be entitled to an honorarium of Ten ($10.00) Dollars for each meeting attended and to reimbursement for their reasonable travel expenses incurred in attending meetings of said Council.

Meetings may be called by the Commissioner of Health or by any seven (7) members of the Advisory Council. Seven (7) members shall constitute a quorum.

Section 5. The Commissioner of Health shall have all powers reasonably necessary to the proper administration of this Act, including, but without limitation, the power to expend any funds which may be appropriated out of the State Treasury or made available from other sources, in accordance with the standards and procedures prescribed by this Act. He may, with the advice and consent of the Advisory Council, promulgate reasonable regulations which, upon their becoming effective, shall be followed and complied with by all persons concerned with the administration of any part of this Act. He shall have the power, with the consent of the Commissioner of Finance, to fix the compensation of the Director and all employees of the Division of Hospital Care and may delegate to said Director any powers conferred on the Commissioner of Health by this Act. Provided, however, that the total cost of administration of this Act may not exceed five (5%) percent of the total State funds expended by said Division.

Section 6. The Department of Health may cooperate with other departments or agencies of the Commonwealth, or with any department or agency of the federal government, in any manner not inconsistent with the purposes and provisions of this Act, and may accept contributions or other assistance from the federal government, or any agency thereof, or from private sources, in the implementation and administration of this Act.

Section 7. There is hereby established in the State Treasury an account which shall be designated the "Hospital Care for Indigent" account, to which all sums appropriated out of State revenues, together with all funds received from counties, or from any other source, for hospital care of indigent persons, shall be credited. Said funds shall be expended solely for the hospital care of acutely ill or injured indigent persons, as defined in this Act and for no other purposes. Provided, however, that expenditures for costs of administration of this Act, within the limitations contained in Section 5 hereof, may be made from said account.

Section 8. On or before April 1 of the first calendar year during which State funds are or will be available for the purposes of this Act, the Division of Hospital Care shall obtain from every hospital in this State, a detailed sworn statement of the per diem cost of all services rendered by said hospital during the previous calendar year, to patients who were duly admitted charity bed patients therein for periods of twenty-four (24) consecutive hours or more, and whose entire hospital expenses were borne by any city or county or private charitable organization, including the reporting hospital itself, whether said expenses were borne solely by the city or by the county or by the charitable organization, or partly by any one or more of them. Said statement shall be so arranged as to show the name of the patient, his address, the number of days he was a bed patient, the total per diem cost of the hospital services rendered to him, and the total per diem cost of hospital services rendered to such charity bed patients in each county, by counties.

On or before April 1 of the first calendar year during which State funds are or will be available for the purposes of this Act, the Department of Finance shall certify to the Division of Hospital Care, from the latest figures available to it, the total assessed value of all property subject to ad valorem taxation for general county purposes in each of the counties of this State, together with the population of each said county according to the late federal census, and shall compute and certify the per capita amount of taxable property in each county.

At the same time, the Department of Finance shall certify to the Division of Hospital Care the amount of State funds then available, or to become available, for the purposes of this Act, and the period during which said funds may be expended.

Section 9. From the information thus obtained from the various report hospitals and the Department of Finance, as hereinabove provided, the Division of Hospital Care, pursuant to regulations promulgated by the Commissioner of Health by and with the advice and consent of the Advisory Council on Hospital Care for the Indigent, shall allocate funds available to counties for the purposes of this Act, in accordance with the following general standards:

(a) Funds shall be allocated for one (1) year only, although State funds may be available for a biennium. Funds for the second year of the biennium shall be allocated on or about April 1 of the second year thereof and on the basis of information assembled from the previous year's experience.

(b) Funds shall be allocated on the basis of relative need of the various counties, with the counties in the median range of per capita amount of taxable property receiving approximately fifty (50%) percent of the cost of providing charity hospital care to residents of said counties during the previous year (as certified in the manner hereinabove provided) and with other counties receiving proportionately more or less, as the per capita amount of taxable property in said counties range above or below the median. Provided, however, that no county shall receive an allocation of more than eighty-five (85%)

per cent of the cost of providing said care nor less than fifteen (15%) per cent thereof.

(c) Allocations of State funds which are not matched by the fiscal court of any county, as hereinafter provided, in any given year shall be added to the State funds available for the next succeeding year and the appropriation therefor shall not lapse but shall be considered to be obligated when first allocated to any county.

Section 10. Prior to May 1 in the first year in which State funds are allocated to counties in the manner hereinabove provided, the Division of Hospital Care shall notify the county judge of each county that the allocated amount is available to said county for the purposes of this Act, upon the following conditions:

(a) That the fiscal court include in the county budget an amount at least equal to the difference between the amount allocated to the county from funds available to said Division from all sources, and the cost of providing charity bed patient care to residents of that county during the previous year, as determined by the Division of Hospital Care.

(b) That upon the approval and adoption of said budget, the fiscal court transmit the entire amount thus provided in the budget to the State Treasurer for deposit in the "Hospital Care for Indigent" account, to the credit of that county.

Section 11. On or before April 1 of each calendar year subsequent to the first year in which State funds become available for the purposes of this Act, the Division of Hospital Care shall determine from its own records the cost of providing hospital care for acutely ill or injured indigent persons in each of the counties electing to provide hospital care for such persons in accordance with the provisions of this Act. The Division shall determine such cost in counties not electing to provide hospital care for such persons pursuant to the Act, from any reliable information available to it, including the reports of hospitals rendering such services, and the determination of the Division in either case shall be final, subject only to review by the Commissioner of Health.

On or before April 1 of each calendar year subsequent to the first year in which State funds become available for the purposes of this Act, the Department of Finance shall prepare and transmit the report fixing the per capita amount of taxable property in each county in the same manner described in Section 9 of this Act.

From the foregoing information, the Division of Hospital Care shall allocate the available funds to the various counties in accordance with the general standards prescribed in Section 9 hereof, and shall notify the various county judges, in the manner described in Section 10 hereof, of the amounts required to be provided by their various counties in the next county budget, in order to qualify to receive the funds thus conditionally allocated.

Provided, however, that if in any year the funds available from all sources do not equal the total cost of providing hospital care for the indigent as contemplated by this Act, the Division of Hospital Care, by and with the advice and consent of the Advisory Council, may reduce the amounts allocated from State and/or federal funds and the amounts to be contributed by the various counties, by a flat percentage which when uniformly applied without disturbing the relative benefits and burdens of the various counties, as established pursuant to the general standards contained in Section 8 of the Act, will bring the total program within the limits of the financial resources available for the implementation of this Act.

Section 12. Upon the deposit by a county in the "Hospital Care for Indigent" acount of the State Treasury, of the amount computed by the Division of Hospital Care as necessary to match the funds allocated to said county in the manner hereinabove provided, the Director of the Division of Hospital Care shall notify the county judge of the county that said county has a credit in the State Treasury in an amount equal to the sum deposited by said county plus the sum allocated to said county from State and/or federal funds, which credit may be expended in accordance with the provisions of this Act.

Section 13. Such county shall thereupon become entitled to present and have paid from said credit in said account, until the same is exhausted, all claims duly verified, in the manner hereinafter provided, for the per diem cost, not to exceed Twelve ($12.00) Dollars per day, of the hospital care of acutely ill or injured indigent persons who were, at the time such hospital services were rendered, residents of said county. Provided, however, that nothing contained in this Act shall be construed as limiting the power of any fiscal court to contract with any hospital to pay, for the care of such indigent persons, a per diem in excess of Twelve ($12.00) Dollars. Such contracts may be entered into by any fiscal court and may be performed by applying thereto the maximum per diem which is available under this Act, and supplementing such per diem with other funds which may be available for such purposes.

Section 14. In each county which elects to come within the provisions of this Act and to qualify for the assistance afforded thereby, the Advisory Council on Hospital Care for the Indigent shall promptly appoint a local screening committee consisting of not less than three (3) nor more than five (5) members, the Chairman of which shall be the county judge of said county and one (1) member of which shall be a licensed medical doctor residing in said county. Such local screening committee shall serve without compensation and at the pleasure of the Advisory Council.

Local screening committees shall have the power, pursuant to regulations promulgated by the Commissioner of Health as hereinabove provided, to determine the following facts:

(a) Whether the hospital care for which any claims is presented was furnished to an indigent person, as defined in this Act.

(b) Whether such person was acutely ill or injured, as defined in this Act.

Provided, however, that the certification of the appropriate state agency, of any person's eligibility to receive public assistance, shall be conclusive upon the local screening committee. Provided further that the determination of the attending physician that his indigent patient is acutely ill or injured and requires immediate hospitalization, shall also be conclusive on said local screening committee, in the absence of evidence of bad faith on the part of said patient or his attending physician. But all of the foregoing shall be subject to the limitations contained in Section 16 hereof.

A majority of a local screening committee may act, and no formal notice of meetings shall be required, it being intended that local screening committees shall function informally and with a minimum of procedural restriction. If a majority of a local screening committee approve a person as one eligible to the benefits of this Act, and any hospital furnishes hospital care to such person in reliance upon such approval, whether verbal or written, the local screening committee shall thereafter be estopped to disapprove the claim of said hospital on grounds of ineligibility of such person. Provided, however, that no estoppel shall be effective to require final approval of any claim in excess of One Hundred Twenty ($120.00) Dollars.

Section 15. All claims for payments out of the "Hospital Care of Indigent" account in the State Treasury shall first be presented to the local screening committee for the county of residence of the indigent person to whom hospital care was furnished, for approval as provided for in Section 14 hereof. When approved, such claims shall be forwarded by such committees to the Division of Hospital Care for transmittal to the Department of Finance for payment. Payment shall be made directly from the office of the State Treasurer to the claimant hospital.

Section 16. The Division of Hospital Care shall keep accurate records of all deposits to and disbursements from the "Hospital Care for Indigent" account and shall advise the chairman of each local screening committee when the amounts paid out of said account against that county's credit therein have reduced the balance to a sum estimated by the Division to be not in excess of two months' expenditures for the purposes of this Act, in that county. Upon receipt of this information, the local screening committees shall carefully regulate admissions to hospitals so as to avoid the presentation of claims which cannot be paid, and may, because of unavailability of funds, refuse to approve for admission otherwise eligible persons.

Section 17. The Division of Hospital Care may prescribe and furnish to the various counties such forms or other materials as it may deem necessary to the proper administration of this Act.

HB 515, AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.843 of the Kentucky Revised Statutes is amended to read as follows:

(1) The lives of a group of individuals may be insured under a policy issued to an association of public employes formed for the purposes other than obtaining insurance and having, when the policy is placed in force, a membership in the classes eligible for insurance of not less than seventy-five percent of the number of employes eligible for membership in such classes, which association shall be deemed the policyholder, to insure members of such association for the benefit of persons other than the association or any of its officials, subject to the following requirements:

(a) The persons eligible for insurance under the policy shall be all of the members of the association, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the association, or both.

(b) The premium for the policy shall be paid by the policyholder, either from the association's own funds, or from charges collected from the insured members specifically for the insurance, or from both. Any charges collected from the insured members specifically for the insurance, and the dues of the association if they include the cost of insurance, shall be collected through deductions by the employer from the salaries of the members. Such deductions from salary may be paid by the employer to the association or directly to the insurer. No policy may be placed in force unless and until at least seventy-five percent of the then eligible members of the association, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, have elected to be covered and have authorized their employer to make the required deductions from salary.

(c) The policy must cover at least fifty persons at date of issue.

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the association. Such amounts shall in no event exceed three thousand dollars in the case of any member, and shall not exceed five hundred dollars in the case of retired members and members over age sixty-five.

(2) Whereas associations of public employes are experiencing great difficulty in obtaining insurance coverage for their members, under the present law an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

HB 516, AN ACT relating to distilled spirits tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 243.680 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall manufacture distilled spirts in this state unless he first obtains from the department a permit to engage in the business of manufacturing distilled spirits. At the time of the issuance of the permit he shall pay to the state a tax of twenty cents for each proof gallon of distilled spirits for which the permit is issued.

(2) (a) No person shall ship or transport or cause to be shipped or transported into the state any distilled spirits from points without the state without first obtaining a permit from the department and paying a tax of twenty cents on each proof gallon contained in the shipment.

(b) No railroad company or express company shall receive for shipment or ship into this state any package or receptacle containing distilled spirits unless a copy of the permit, showing that payment of required taxes has been made, accompanies the shipment.

(c) The permit shall be in the form prescribed by the department, and all shipments into the state shall be governed by the regulations promulgated by the department.

(d) A railroad or express company need not obtain a permit to transport distilled spirits, but shall be subject to all regulations of the department.

Section 2. Section 243.690 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall engage in the business of blending, rectifying or mixing distilled spirits, without obtaining from the department a permit to blend, rectify, or mix distilled spirits. An excise tax of twenty cents is imposed for each proof gallon of distilled spirits that has not borne the tax imposed by KRS 243.680 and which is used in said blending, rectifying or mixing.

(2) A person engaging in the business of blending, rectifying or mixing distilled spirits shall report on or before the tenth day of the succeeding month, in such form and stating such facts as may be prescribed by the department, the amount of the distilled spirits blended, rectified or mixed during the preceding month. At the time of making the report, he shall pay the tax due under this section.

HB 518, AN ACT regulating transient merchants and prescribing penalties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This act shall be known as the "Transient Merchant Law of Kentucky."

Section 2. The words "transient merchant" when used in this act, shall include all persons, firms and corporations, both as principals and agents, who engage in, do or transact any temporary or transient business in this state, either in one locality or in traveling from place to place in this state, offering for sale or selling goods, wares or merchandise, and including those who, for the purpose of carrying on such business, hire, lease or occupy any permanent mobile building structure, or real estate for the exhibition by means of samples, catalogues, photographs and price lists or sale of such goods, wares, or merchandise but shall not include any person, individual, co-partner or corporation which grows the goods, wares or merchandise which he or it sells or offers for sale.

Section 3. It shall be unlawful for any transient merchant to transact business in any county in this state unless such transient merchant and the owners of any goods, wares or merchandise to be offered for sale or sold, if such are not owned by the vendor, shall have first secured a license as herein provided and shall have complied with the other requirements of this act herein set forth.

Section 4. Any transient merchant desiring to transact business in any county in this state shall file application for a license for that purpose with the auditor of the county in this state in which such transient merchant desires to do business. The application shall state the following facts:

(a) The name, residence and post office address of the person, firm or corporation making the application, and if a firm or corporation, the name and address of the members of the firm or officers of the corporation, as the case may be.

(b) If the applicant is a corporation then there shall be stated on the application form the date of incorporation, the state of incorporation formed in a state other than the State of Kentucky, the date on which corporation qualified to transact business as a foreign corporation in the State of Kentucky.

(c) A statement showing the kind of business proposed to be conducted, the length of time for which the applicant desires to transact such business, and if for the purpose of transacting such business any permanent or mobile building, structure or real estate is to be used for the exhibition by means of samples, catalogues, photographs and price lists or sale of goods, wares or merchandise, the location of such proposed place of business.

(d) A detailed inventory and description of such goods, wares and merchandise to be offered for sale or sold, the manner in which same is to be advertised for sale and the representation to be made in connection therewith, the names of the persons from whom the goods, wares and merchandise so to be advertised or represented were obtained, the date of receipt of such goods, wares and merchandise by the applicant for the license, the place from which the same were last taken, and any and all details necessary to locate and identify all goods, wares and merchandise to be sold.

(e) Attached to the application shall be a receipt showing that personal property taxes on the goods, wares and merchandise to be offered for sale or sold have been paid.

(f) Attached to the application shall be a copy of a notice, which ten days before the said application has been filed, shall have been mailed by registered mail by the applicant to the Kentucky Department of State Revenue of the State of Kentucky or such other department as may be charged with the duty of collecting income taxes or other taxes of a comparable nature or which may be in lieu of such income taxes. The said notice shall state the precise period of time and location from which said applicant intends to transact business, and approximate value of the goods, wares and merchandise to be offered for sale or sold, and such other information as the Kentucky Department of State Revenue of the State of Kentucky or its successor may request or by regulation require.

(g) Said application shall be verified.

Section 5. At the time of filing said application and as a part thereof the applicant shall file and deposit with the said county auditor a bond with sureties to be approved by the said county auditor in the penal sum of five hundred dollars or two times the value of the goods, wares and merchandise to be offered for sale or sold as shown by the inventory filed, whichever sum is the greater, running to the State of Kentucky, and for the use and benefit of any purchaser of any such goods, wares and merchandise who might have a cause of action of any nature arising from or out of such sale or sales or against the applicant; the bond shall be further conditioned on the payment by the applicant of all taxes that may be payable by or due from the applicant to the State of Kentucky or any department thereof or any subdivision of the State of Kentucky, municipal or otherwise, the payment of any fines that may be assessed by any court against the applicant or its agents or employees for violation of the provision of this act and the satisfaction of all causes of action commenced within one year from the date that such sale is made. Provided however, that the aggregate liability of the surety for all said taxes, fines and causes of action shall in no event exceed the amount of such bond but there shall be no limitation of liability against the transient merchant or the applicant for the license.

In such bond the applicant and surety shall appoint the auditor of said county in which said bond is filed, the agent of the applicant and the surety for the service of process. In the event of such service of process, the agent on whom such service is made shall, within five days after the service, mail by ordinary mail a true copy of the process served upon him to each party for whom he has been served, addressed to the last known address of such party. Failure to so mail said copy shall not, however, affect the court's jurisdiction.

The State of Kentucky or any department or subdivision, municipal or otherwise, thereof, or any person having a cause of action arising from or out of any sale of such goods, wares or merchandise or against the applicant may join the applicant and the surety on such bond in the same action, or may sue either such applicant or the surety alone.

Section 6. The applicant desiring to file an application with the auditor for a transient merchant license shall pay to the treasurer of such county in which the said application is made a license fee of ten dollars per day for each day or part thereof that he proposes to transact business. And such applicant shall thereupon file the treasurer's receipt for such payment with the auditor of the said county with whom the said application is filed.

Section 7. Upon the filing of such application and after the applicant has established that he has fully complied with all the provisions of this act, the auditor of said county may issue to the applicant a license authorizing the said applicant to transact business as proposed in said application. Such license shall not be transferable and shall be valid only in the county where issued and shall not be valid in any town or city which has enacted an ordinance licensing transient merchants, unless a license from such city or town is also obtained. No license shall be good for more than one person, unless such person shall be co-partners or employees of a firm or corporation obtaining such license. No license shall be good for more than one location in said county, if said transient merchant is transacting business in a building or structure in said county.

The auditor shall keep a record of such license in a book provided for that purpose, which shall at all times be open to public inspection.

No particular form of license shall be required to be issued by said auditor. However, any license issued shall state the name of the person, firm or corporation which is licensed, and the number of days for which the license is issued.

Section 8. Within ten days after said license expires the holder thereof shall file in duplicate with the county clerk an inventory of all goods, wares and merchandise sold and the price received therefor, which inventory shall be verified by the person who filed the application for the license with the said auditor. The county clerk shall immediately after receiving such report and inventory forward a copy thereof to the Kentucky Department of State Revenue of the State of Kentucky or its successor.

Section 9. Any transient merchant, either as principal or agent, who shall transact business without having first obtained a license as herein provided, or who shall knowingly advertise, offer for sale or sell any goods, wares or merchandise contrary to the provisions of this act shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined in any sum not less than two hundred dollars and not more than one thousand dollars, to which may be added imprisonment of not less than thirty days and not more than one hundred and eighty days.

Section 10. The provisions of this act shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business nor to bona fide sale of goods, wares or merchandise by sample for future delivery, or to sheriffs, constable or other public officers selling goods, wares and merchandise according to law, nor to bona fide assignees or receivers appointed in this state selling goods, wares and merchandise for the benefit of creditors.

Section 11. The towns and cities of the state of Kentucky are hereby given full power and authority to tax, license and regulate transient merchants and may charge a fee for the transaction of business by them, and such towns and cities may provide for penalties for violation of said ordinance. A city or town license shall not be in lieu of a county license.

Section 12. All license fees collected under this act by the county shall be paid into the common school fund of the state, and all fees collected by the cities and towns pursuant to this act, shall be paid into the general fund of such city or town.

Section 13. If any section, subsection, paragraph, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such constitutionality or invalidity shall not affect the constitutionality or validity of the remaining portion or portions of this Act.

Section 14. Whereas an emergency exists for the immediate taking effect of this act, the same shall be in full force and effect from and after its passage.

HB 519, AN ACT relating to alcoholic beverages prohibition.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Title to contraband included in subsections (3), (4) and (5) of KRS 244.180 seized in a dry territory shall be vested in the Alcoholic Beverage Control Board, irrespective of whether such contraband was seized by peace officers of the city or county or state administrators or field representatives of the department.

Section 2. The Alcoholic Beverage Control Board shall cause a sale of such contraband as is included in section 1 of this Act to be made and shall, after deducting the expense of transporting and selling such contraband, return one-half of the proceeds of such sale to the proper authorities of the city or county in which such seizure was accomplished solely by the peace officers of the city or county where such seizure occurred. The remaining one-half shall be paid to the State Treasurry and shall be credited to the General Fund. Where the evidence for the seizure of such contraband is obtained by the state administrators or field representatives of the department, the Alcoholic Beverage Control Board shall cause a sale of such contraband to be made and shall pay all the receipts to the State Treasury and be credited to the General Fund.

SR 29: A CONCURRENT RESOLUTION memorializing Congress to provide aid for school construction.

WHEREAS, public education is the lifeblood of liberty and democracy and is essential to national security and the American way of life;

WHEREAS, the spirit and quality of education, and the physical safety of children in public education are dependent upon the facilities in which education programs are conducted;

WHEREAS, the facilities for schooling in this country are generally overtaxed and outmoded, and in many parts of the country are so unsatisfactory as to endanger the children as well as jeopardize their education; and

WHEREAS, through no fault of local tax programs, financial support of school construction in some areas is not adequate to correct this situation;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Congress of the United States is urged to act in the exercise of its broad legislative powers to provide federal appropriations for use in aiding in the construction of new and additional school facilities;

Section 2. That the Congress make such funds available to the states in grants qualified on a Federal approval basis similar to the qualification arrangement governing Federal assistance to hospital construction under the Hill-Burton Act; and

Section 3. That the Clerk of the Senate is directed to forward copies of this resolution, duly authenticated, to the President and Chief Clerk of the United States Senate, to the Speaker and Chief Clerk of the United States House of Representatives, to each of the Senators and Representatives from Kentucky now serving in the Congress, and to the Department of Health, Education and Welfare, United States.

Orders of the Day

HB 20 taken from Orders of the Day on recommendation of the Rules Committe. Representative Morgan moved that it be placed on passage. Agreed.

Representative Wells moved that Committee Substitute for **HB 20** be adopted. Agreed.

Representative Morgan moved the bill be laid on the Clerk's desk. Agreed.

HB 298 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 79—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Carter, Casey, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 4—Bush, Embry, Saylor, Thomas. **HB 298** was passed and the title agreed to.

Senate Message

Senate message announcing passage of **HB 59, HB 131, SB 33, SB 106, SB 223, SB 231, SB 249, SR 41, SR 59, SR 68** read by the Clerk.

Orders of the Day

HB 465 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that the House concur in the following Senate Amendments:

Amend printed copy of **HB 465:** On Page 2, Section 7, Line 22 by deleting therefrom the words "Owsley and Jackson" and substituting in lieu thereof the word "Letcher."

On Page 2, Section 8, Line 24 by deleting therefrom the word "Letcher" and substituting therefor the words "Owsley and Jackson."

On Page 2 by adding following line 26, the following which shall constitute Section 2: "Section 2. Whereas, under the provisions of

Senate Bill No. 100 the primary election for 1956 would, if passed, be held on the first Tuesday after the fourth Monday in May of each year, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor."

On Page 2, Subsections (5) and (6), Lines 16, 19 by deleting therefrom in line 16, the word "Robertson" by inserting in line 19 immediately folliwing the word "Bourbon" and before the word "Harrison," and word "Robertson."

On Page 2, Subsections (8) and (7), Lines 24, 23 by deleting in Line 24, the word "Perry" by inserting in Line 23, immediately following the word "Martin, the word "Perry".

On Page 2, Subsections (7) and (8), Lines 22 and 19 by deleting in Line 22, the word "Estill" by inserting in line 19 immediately following the word "Casey" the word "Estill"

On Page 2, Subsections (4) and (8), Lines 13, 26 by deleting in Line 13, the word "Cumberland" by inserting in Line 26 immediately after the word "Clinton" and before the word "Russell" the word "Cumberland".

On Pages 1 and 2, Subsections (2), (4), Lines 9, 13 by deleting therefrom in Line 9, the word: "Hart" by inserting in Line 13 immediately following the word "Meade" the word "Hart".

On Pages 1 and 2, Subsections (4) and (8), Lines 12, 26 by deleting therefrom in Line 12, the word "Monroe" by inserting in Line 26 immediately following the word "Russell", the word "Monroe".

On roll call the vote was yeas 73—Anderson, Barnum, Bates, Baumgardner, Blankenship, Breathitt, Bridgers, Buchanan, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hahn, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Parrish, Pollitte, Qualls, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wirsch. Nays 10—Blue, Griffin, Hadden, Hislope, D. W. Howard, Lambert, McFadden, Peace, Saylor, Young. The amendments to **HB 465** were concurred in.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 20 with Committee Substitute taken from Clerk's desk and placed on passage, on motion of Representative Morgan.

Representative A. W. Wells moved to amend the Committee Substitute to **HB 20** as follows: "Amend printed copy of Committee Substitute House Bill 20 after word "grass", insert the following: "which is a noxious weed and is a threat to the Agriculture of the State." Adopted.

HB 20 read at length the third time. Representative A. W. Wells moved the Previous Question. Agreed.

On roll call, the vote was yeas 65—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Breathitt, Breckinridge, Bridgers, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Highland, Hill, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Mackey, Martin, Moore, Morgan, Murphy, Newsom, Parrish, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Sloan, Stith,, Tanner, Thompson, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 12—D. W. Howard, Lambert, McCallum, Nunn, Ockerman, Peace, Pollitte, Qualls, Ratcliffe, J. B. Reed, Saylor, Thomas. **HB 20** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HR 7 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 81—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Breckinridge, Bridgers, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 0. **HR 7** was passed and the title agreed to.

Representative Morgan moved that the vote by which said resolution was passed by reconsidered and the motion laid on the table. Agreed.

HR 10 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Bridgers moved to amend **HR 10** as follows: "Amend printed copy of House Resolution 10 on page 2, section 2, line 2 by deleting the figure '$103,779.50' and inserting in lieu thereof the figure $10,000.00'." Adopted. Read at length for the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 81—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Breckinridge, Bridgers, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 0. **HR 10** was passed and the title agreed to.

Representative Morgan moved that the vote by which said resolution was passed be reconsidered and th motion laid on the table. Agreed .

HR 17 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length for the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 81—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Breckinridge, Bridgers, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 0. **HR 17** was passed and the title agreed to.

Representative Morgan moved that the vote by which said resolution was passed be reconsidered and the motion laid on the table. Agreed.

HR 20 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Freeman moved to amend **HR 20** as follows:

Amendment No. 1: "Amend printed copy of House Resolution No. 20 on page 1, section 1, line 6 following the word 'compensate,' add the words 'the estate of'." Adopted.

Amendment No. 2: "Amend printed copy of House Resolution No. 20 on page 1, section 1, line 7 delete the word 'Him', and substitute therefor the word 'It'." Adopted. Read at length for the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 81—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Breckinridge, Bridgers, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 0. **HR 20** was passed and the title agreed to.

Representative Morgan moved that the vote by which said resolution was passed be reconsidered and the motion laid on the table. Agreed.

HR 22 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length for the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 81—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Breckinridge, Bridgers, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 0. **HR 22** was passed and the title agreed to.

Representative Morgan moved that the vote by which said resolution was passed be reconsidered and the motion laid on the table. Agreed.

HR 8 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length for the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 81—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Breckinridge, Bridgers, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 0. **HR 8** was passed and the title agreed to.

Representative Morgan moved that the vote by which said resolution was passed be reconsidered and the motion laid on the table. Agreed.

HR 29 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 81—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Breckinridge, Bridgers, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 0. **HR 29** was passed and the title agreed to.

Representative Morgan moved that the vote by which said resolution was passed be reconsidered and the motion laid on the table. Agreed.

HR 34 taken from Orders of the Day on recommendation of the Rules Committee. Representative Breckinridge moved that it be placed on passage. Agreed. Read at length the third time. Representative Breckinridge moved the Previous Question. Agreed.

On roll call, the vote was yeas 80—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Bridgers, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 0. **HR** 34 was passed and the title agreed to.

Representative Morgan moved that the vote by which said resolution was passed be reconsidered and the motion laid on the table. Agreed.

HR 37 taken from the Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 81—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Breckinridge, Bridgers, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 0. **HR 37** was passed and the title agreed to.

Representative Morgan moved that the vote by which said resolution was passed be reconsidered and the motion laid on the table. Agreed.

HR 42 taken from the Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 81—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Breckinridge, Bridgers, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 0. **HR 42** was passed and the title agreed to.

Representative Morgan moved that the vote by which said resolution was passed be reconsidered and the motion laid on the table. Agreed.

Introduction of Bill

HB 519 by Representative Bates, AN ACT relating to alcoholic beverage prohibition.

Representative Morgan moved to adjourn until 10 A. M., February 15. Agreed.

WEDNESDAY, FEBRUARY 15, 1956

THIRTY-FIFTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Edward L. Tullis, First Methodist Church, Frankfort.

Roll Call showed all present except Beshear, Caudill, Dunsil, Embry, Greene, Nunnelley, Qualls, Weintraub, Wilson, who were granted leave of absence on motion of Representative Morgan.

Representative Isler moved that reading of February 14 Journal be dispensed with and that the same be approved. Agreed.

Introduction of Resolution

HR 56, by Representatives Conrad, McFadden, Billington, and Hislope.

A CONCURRENT RESOLUTION expressing appreciation to the State Temperance League of Kentucky, Incorporated and to the Reverend Walter C. House for making possible programs for the Prayer-Fellowship Breakfasts.

WHEREAS, On each Tuesday morning throughout the period of the regular session of the 1956 General Assembly, members of said General Assembly have been privileged to join the Honorable A. B. Chandler, Governor of Kentucky, and the Honorable Harry Lee Waterfield, Lieutenant Governor of Kentucky, at a breakfast designated "Prayer-Fellowship Breakfast"; and

WHEREAS, upon many if not all of these occasions the members of the General Assembly have been entertained and edified by interesting and inspirational speakers and singers; and

WHEREAS, the appearance of said speakers and singers was made possible by the State Temperance League of Kentucky, Incorporated and by the Reverend Walter C. House; and

WHEREAS, it appears desirable that the appreciation of the General Assembly for the entertainment and edification afforded them through the efforts of the State Temperance League of Kentucky, Incorporated and the Reverend Walter C. House be made known to all the citizens of the Commonwealth,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That an expression of appreciation be and is hereby extended to the State Temperance League of Kentucky, Incorporated and the Reverend Walter C. House for their efforts, individually and collectively, in presenting, at the Prayer-Fellowship Breakfasts throughout the 1956 session of the General Assembly, speakers and singers for the entertainment and edification of the members of the 1956 General Assembly.

Representative Morgan moved adoption of **HR 56**. Adopted.

CALENDAR

HB 74, HB 244, HB 296, HB 305, HB 352, HB 374, HB 387, HB 395, HB 396, HB 397, HB 407, HB 408, HB 410, HB 413, HB 414, HB 420, HB 422, HB 423, HB 424, HB 432, HB 464, HB 472, HB 496, HB 499, HB 502, HB 508, HB 515, HB 516, HB 518, HB 519, SB 59, SB 95, SB 101, SB 136, SB 145, SB 153, SB 169, SB 178, SB 182, SB 195, SB 198, SB 199, SB 203, SB 205, SB 212, SB 219, SB 226, SB 229, SB 231, SB 236, SB 237 were taken from the Calendar and ordered read at length for the second time. Ordered placed in Orders of the Day.

Orders of the Day

HB 384 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Wathen moved to amend **HB 384** as follows:

Amendment No. 1: "Amend printed copy of HB 384 on page 1, section 1, lines 4 and 5 by striking the following words 'other than those within a county containing a city of the second class.'" Adopted.

Amendment No. 2: "Amend printed copy of HB 384 on page 1, section 1, lines 7 and 8 by striking the words 'one dollar and fifty cents' and substituting in lieu thereof the following words 'two dollars.'" Adopted.

Amendment No. 3: "Amend printed copy of HB 384 on page 1 and 2, section 2, lines 10 through 16 inclusive by striking all of subsection 2.'" Adopted.

HB 384 as amended read at length the third time. Representative Wathen moved the Previous Question. Agreed.

On roll call, the vote was yeas 55—Bates, Billington, Blankenship, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Everett, Flanery, Freeman, Grigsby, Grundy, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Mackey, Martin, McCallum, McFadden, McKinney, Morgan, Nunn, Pollitte, Ratcliffe, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Tinsley, Wathen, Williamson, Wirsch, Young. Nays 17—Blue, Carter, Gay, Griffin, Gullette, Hadden, Hilton, Melton, Mullins, Murphy, Parrish, Peace, Rayburn, Reynolds, Thompson, A. W. Wells, L. B. Wells. **HB 384** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 64 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Heyburn moved to amend **HB 64** as follows:

Amendment No. 1: "Amend printed copy of **HB 64** on page 1, section 1, line 3 to 10 both inclusive by striking lines 3 to 10 both inclusive and substituting therefor the following: (1) Any county of this state may, for the hospitalization of its indigent residents, at the expense of the county, enter into a contract with any other city, county, or city-county board of health in this state that owns and operates its own hospital, or may enter into such a contract with any privately-owned hospital in any county of this state.'" Adopted.

Amendment No. 2: "Amend printed copy of H. B. 64 on page 1 and 2, section 2, line 11 and 13 by striking therefrom the words 'city or'". Adopted.

HB 64 as amended read at length the third time. Representative Heyburn moved the Previous Question. Agreed.

On roll call, the vote was yeas 69—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Day, Farmer, Flanery, Freeman, Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hilton, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Lambert, Lowman, McCallum, McFadden, McKinney, Melton, Miller, Morgan, Mullins, Nunn, Ockerman, Parrish, Peace, Pollitte, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Walsh, A. W. Wells, Williamson, Young. Nays 0. **HB 64** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 185 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Holsclaw moved that it be placed on passage. Agreed. Representative Harris moved to lay the bill on the Clerk's desk. Agreed.

HB 415 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved to place on passage. Agreed. Read at length the third time. Representative Searcy moved the Previous Question. Agreed.

On roll call, the vote was yeas 48—Anderson, Barnum, Bates, Baumgardner, Billington, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Cornett, Davis, Farmer, Flanery, Freeman, Grigsby, Grundy, Heskamp, Heyburn, Highland, Hilton, Hinkle, C. S. Howard, Isler, Lambert, Lowman, Mackey, Milton Miller, Morgan, Nunn, ockerman, Parrish, Pollitte, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, Walsh, Williamson. Nays 6—Hill, Hislope, Martin, Newsom, Peace, J. B. Reed. **HB 415** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 394 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed.

Representative Lowman moved to amend **HB 394** as follows: "Amend printed copy of HB 394 on page 1, section 1, line 4, striking the word 'three' following the word 'of' and inserting in lieu thereof the word 'five.'" Adopted.

HB 394 read at length the third time, as amended. Representative C. S. Howard moved the Previous Question. Agreed.

On roll call, the vote was yeas 65—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breckinridge, Burnley, Bush, Carter, Cornett, Cottengim, Everett, Farmer, Flanery, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, C. S. Howard, D. W. Howard, Jennings, Lambert, Lowman, Mackey, Martin, McFadden, McKinney, Melton, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, A. W. Wells, Williamson, Wirsch, Young. Nays 0. **HB 394** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

Senate Message

Senate message announcing passage of **SR 14, SR 56, SB 98, SB 111, SB 218, SB 241, HB 27, HB 155, HB 258, HB 257, HB 28** with amendments, and **HB 221** with amendments read by the Clerk.

Orders of the Day

HB 299 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 52—Anderson, Barnum, Baumgardner, Billington, Blankenship, Breathitt, Breckinridge, Bridgers, Burnley, Carter, Cornett, Cottengim, Davidson, Everett, Farmer, Flanery, Grigsby, Gullette, Harris, Heskamp, Heyburn, Highland, Hill, Hinkle, Holsclaw, Lowman, Mackey, McFadden, Miller, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Qualls, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Sloan, Stith, Thompson, Walsh, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 9—

Buchanan, Bush, C. S. Howard, D. W. Howard, McKinney, Peace, Pollitte, Saylor, Thomas. **HB 299** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 74 taken from The Clerk. Representative Morgan moved that action of the Speaker in signing **SB 74** be rescinded. Agreed. Representative Morgan moved to take **SB 74** from Clerk's desk. Agreed. Representative Morgan moved that the vote by which **SB 74** failed to pass be reconsidered. Agreed.

Representative Morgan moved the Previous Question on **SB 74.** Agreed.

On roll call, the vote was yeas 38—Barnum, Baumgardner, Billington, Breckinridge, Bridgers, Burnley, Conrad, Cottengim, Davidson, Davis, Everett, Farmer, Flanery, Greene, Grigsby, Gullette, Harris, Hawkins, Hill, Holsclaw, Isler, McFadden, Melton, Morgan, Newsom, Ockerman, Ray, J. B. Reed, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Walsh, A. W. Wells, Wirsch, Young. Nays 22—Blankenship, Buchanan, Carter, Day, Griffin, Heyburn, Highland, Hinkle, Hislope, C. S. Howard, D. W. Howard, Jennings, Lambert, Mackey, McKinney, Parrish, Peace, Ratcliffe, Saylor, L. B. Wells, Williamson, Wilson. **SB 74** was rejected.

Representative Morgan moved that the vote by which said bill was defeated be reconsidered and the motion laid on the table. Agreed.

Recess

Representative Morgan moved to recess until 2 P. M. Agreed.

At the appointed hour, the Speaker called the House to order.

Orders of the Day

HB 478 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Wathen moved the Previous Question. Agreed.

On roll call, the vote was yeas 78—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breckinridge, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Davis, Dunsil, Embry, Farmer, Flanery, Freeman, Griffin, Grigsby, Grundy, Gullette, Hahn, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 0. **HB 478** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 479 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Wathen moved the Previous Question. Agreed.

On roll call, the vote was yeas 78—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breckinridge, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Davis, Dunsil, Embry, Farmer, Flanery, Freeman, Griffin, Grigsby, Grundy, Gullette, Hahn, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 0. **HB 479** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 331 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call the vote was yeas 74—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Burnley, Carter, Casey, Conrad, Cornett, Davidson, Dunsil, Embry, Farmer, Flanery, Freeman, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Highland, Hill, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McFadden, McKinney, Melton, Miller, Morgan, Murphy, Newsom, Nunn, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 2—Breckinridge, Ockerman. **HB 331** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 332 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 74—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Burnley, Carter, Casey, Conard, Cornett, Davidson, Dunsil, Embry, Farmer, Flanery, Freeman, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Highland, Hill, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McFadden, McKinney, Melton, Miller, Morgan, Murphy, Newsom, Nunn, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 2—Breckinridge, Ockerman. **HB 332** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 491 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Burnley moved the Previous Question. Agreed.

On roll call, the vote was yeas 68—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Burnley, Carter, Casey, Conrad, Cornett, Davidson, Ray, Dunsil, Farmer, Flanery, Freeman, Griffin, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Sloan, Stith, Thomas, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wilson, Young. Nays 2—Breckinridge, Hislope. **HB 491** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

The Speaker appointed the following committee to inquire of the Governor as to the convening date of the Special Session: Representatives Holsclaw, Burnley, Wathen, Buchanan, and Morgan.

Recess

On motion of Representative Morgan, the House was recessed for thirty minutes.

At the appointed time, the Speaker called the House to order.

Announcements

Representative Morgan announced February 27 as the date of the First Special Session, that being the date agreed on by the Joint Committee and the Governor.

The Speaker appointed the following to a conference committee to determine which constitutional amendments should be submitted: Representatives Holsclaw, Wathen, and Burnley.

Report on Enrolled Bills

The Committee on Enrollment reported that **HB 27**, **HB 59**, **HB 131**, and **HB 155** had been examined and found correctly enrolled.

Said bills read at length, compared, and signed in open session by the Speaker. Ordered that the original and enrolled copies be delivered to the Senate.

HB 27, HB 59, HB 131 and **HB 155** delivered, signed by President of the Senate. Ordered delivered to the Governor.

Orders of the Day

HB 158 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 86—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Highland, Hill, Hilton, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0 **HB 158** was passed and the title agreed to.

Report on Enrolled Bills

The Committee on Enrollment reported that **HB 258, HB 465, HB 257,** and **HR 25** had been examined and found correctly enrolled. Said Bills read at length, compared, and signed in open session by the Speaker. Ordered that the original and enrolled copies be delivered to the Senate.

HB 258, HB 465, HB 257 and **HR 25** delivered, signed by President of the Senate. Ordered delivered to the Governor.

Orders of the Day

HB 185 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be taken from Clerk's desk and placed on passage. Agreed.

Representative Breathitt moved to amend **HB 185** as follows: "Amend printed copy of House Bill 185 on pages 1 and 2, section 2, lines 1 through 11 by deleting therefrom the following: "Section 2. When it appears to the Commissioner that mosquitoes are present in any area of the State in sufficient numbers to warrant action, he shall instruct the State Entomologist to conduct an immediate investigation of the causes thereof, and corrective measures necessary and report such facts to the Commissioner. The State Entomologist shall thereupon, with the advice and consent of the Commissioner and Director undertake the control and elimination of mosquitoes in such area, utilizing whatever measures appear necessary so long as such methods in no wise conflict with individual property rights, and do not constitute a menact to the health of persons or livestock.' And insert in lieu thereof the following: "Section 2. When it appears to the Commissioner that mosquitoes are present in any area of the State in sufficient numbers to warrant action, he shall conduct an immediate investigation of the causes thereof, and corrective measures necessary. The Commissioner shall undertake the control and elimination of mosquitoes in such area, utilizing whatever measures appear necessary so long as such methods in no wise damage the property of any person, and do not constitute a menace to the health of persons or livestock.'" Adopted.

HB 185 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 55—Anderson, Barnum, Baumgardner, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Casey, Conrad, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hilton, Holsclaw, C. S. Howard, Isler, Kubale, Lowman, McCallum, Melton, Miller, Moore, Morgan, Murphy, Ockerman, Pollitte, Ray, R. Reid, Sr., Searcy, Sloan, Tanner, Walsh, Wathen, Young. Nays 21—Carter, Hill, D. W. Howard, Jennings, Lambert, Mackey, Martin, McFadden, McKinney, Mullins, Newsom, Nunn, Parrish, Peace, V. Reed, Reynolds, Saylor, Stith, Thomas, L. B. Wells, Wilson. **HB 185** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 77 taken from Orders of the Day, on recommendation of Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Conrad moved the Previous Question. Agreed.

On roll call, the vote was yeas 74—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Day, Dunsil, Embry, Farmer, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Highland, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Jennings, Johnson, Lambert, Mackey, McCallum, McFadden, McKinney, Melton, Miller, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Sloan, Stith, Thomas, Thompson, Wathen, A. W. Wells, Wilson, Wirsch, Young. Nays 7—Hill, Martin, Newsom Pollitte, J. B. Reed, Saylor, L. B. Wells. **HB 77** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 492 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 63—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Caudill, Conrad, Cornett, Cottengim, Davidson, Dunsil, Embry, Farmer, Flanery, Freeman, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Highland, Hinkle, Hislope, Holsclaw, C. S. Howard, Jennings, Johnson, Lambert, Lowman, Mackey, Melton, Miller, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Wathen, A. W. Wells, L. B. Wells, Young. Nays 2—Buchanan, J. B. Reed. **HB 492** was passed and the title agreed to.

HB 493 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 63—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Caudill, Conrad, Cornett, Cottengim, Davidson, Dunsil, Embry, Farmer, Flanery, Freeman, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Highland, Hinkle, Hislope, Holsclaw, C. S. Howard, Jennings, Johnson, Lambert, Lowman, Mackey, Melton, Miller, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Wathen, A. W. Wells, L. B. Wells, Young. Nays 2—Buchanan, J. B. Reed. **HB 493** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 421 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Anderson moved the Previous Question. Agreed.

On roll call, the vote was yeas 50—Anderson, Barnum, Baumgardner, Blankenship, Blue, Breckinridge, Buchanan, Carter, Caudill, Conrad, Cottengim, Day, Dunsil, Embry, Everett, Farmer, Flanery, Greene, Grigsby, Gullette, Harris, Heyburn, Hill, Hislope, Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Lambert, Mackey, McFadden, McKinney, Melton, Miller, Moore, Murphy, Ockerman, Peace, Ray, Rayburn, V. Reed, H. V. Reid, Reynolds, Searcy, Tanner, Tinsley, Walsh, Williamson, Wirsch. Nays 6—Bridgers, Newsom, J. B. Reed, Thomas, A. W. Wells, L. B. Wells. **HB 421** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 418 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 43—Anderson, Barnum, Baumgardner, Blankenship, Breckinridge, Bridgers, Carter, Casey, Conrad, Cornett, Davis, Day, Dunsil, Everett, Farmer, Flanery, Greene, Grigsby, Heyburn, Highland, Hinkle, Holsclaw, Isler, Johnson, Mackey, McKinney, Melton, Miller, Moore, Morgan, Murphy, Ockerman, Parrish, Qualls, Ray, Rayburn, H. V. Reid, Thomas, Thompson, Tinsley, Wathen, A. W. Wells, L. B. Wells. Nays 10—Buchanan, Caudill, Grundy, Heskamp, Hislope, D. W. Howard, Jennings, J. B. Reed, Saylor, Sloan. **HB 418** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 310 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Newsom moved the Previous Question. Agreed.

On roll call, the vote was yeas 53—Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Carter, Casey, Cornett, Davis, Embry, Everett, Freeman, Greene, Grigsby, Grundy, Hadden, Hawkins, Heskamp, Heyburn, Highland, Hill, Hinkle, C. S. Howard, Isler, Johnson, Kubale, Lambert, Mackey, Martin, McKinney, Melton, Morgan, Mullins, Murphy, Newsom, Pollitte, Qualls, Ratcliffe, H. V. Reid, Reynolds, Searcy, Sloan, Thomas, Thompson, Tinsley, Walsh, Wathen, Wilson, Wirsch, Young. Nays 6—Anderson, Ockerman, Parrish, Peace, J. B. Reed, R. Reid, Sr. **HB 310** was passed.

Representative Tinsley moved to amend the title to **HB 310** as follows: "Amend title copy of **HB 310** to be known as the Goebel W. Newsom, Jr., Bill." Adopted.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 351 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved to place same on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 75—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hahn, Harris, Hawkins, Heskamp, Highland, Hinkle Holsclaw, C. S. Howard, Isler, Johnson, Lambert, Mackey, Martin, McFadden, McKinney, Melton, Miller, Moore, Mullins, Murphy, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratliffe, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays 3—Heyburn, Hislope, J. B. Reed. **HB 351** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 347 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved to place on passage. Agreed. Read at length the third time. Representative Gullette moved the Previous Question. Agreed.

On roll call, the vote was yeas 57—Anderson, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Bush, Carter, Casey, Conrad, Cornett, Davidson, Davis, Flanery, Freeman, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, C. S. Howard, Isler, Johnson, Mackey, Martin, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson, A. W. Wells, Wirsch, Young. Nays 3—Melton, J. B. Reed, Thomas. **HB 347** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 263 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Lowman moved the Previous Question. Agreed.

On roll call, the vote was yeas 67—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Carter, Casey, Caudill, Cornett, Cottengim, Davidson, Davis, Farmer, Flanery, Freeman, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hinkle, C. S. Howard, Isler, Johnson, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, H. V. Reid, Reynolds, Saylor, Searcy, Stith, Thomas, Thompson, Wathen, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 263** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 330 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 47—Anderson, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Conrad, Cornett, Cottengim, Davis, Farmer, Freeman, Grigsby, Grundy, Hahn, Harris, Hawkins, Heyburn, Highland, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Lambert, Mackey, McFadden, Nunn, Peace, Qualls, Ray, Rayburn, H. V. Reid, R. Reid, Sr., Searcy, Stith, Thomas, Thompson, Wathen, A. W. Wells, Williamson, Wirsch, Young. Nays 6—Hilton, McKinney, Murphy, Pollitte, J. B. Reed, Saylor. **HB 330** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 399 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Billington moved the Previous Question. Agreed.

On roll call, the vote was yeas 55—Anderson, Bates, Baumgardner, Billington, Breathitt, Bridgers, Buchanan, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Farmer, Grigsby, Grundy, Gullette, Hahn, Harris, Heyburn, Highland, Hill, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Morgan, Mullins, Murphy, Newsom, Peace, Qualls, Ray, Rayburn, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Stith, Thomas, Thompson, Tinsley, Wathen, A. W. Wells, Wilson, Wirsch, Nays 3—Blankenship, Ockerman, J. B. Reed. **HB 399** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 121 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 52—Anderson, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Farmer, Flanery, Freeman, Grigsby, Grundy, Gullette, Hahn, Harris, Hawkins, Heyburn, Highland, Hilton, Hinkle, Hislope, C. S. Howard, Isler, Lambert, Lowman, Martin, Moore, Mullins, Murphy, Newsom, Ockerman, Ray, H. V. Reid, R. Reid, Sr., Searcy, Stith, Thomas, Thompson, Tinsley, Wathen, A. W. Wells, Wilson, Wirsch. Nays 2—J. B. Reed, Saylor. **HB 121** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

Senate Message

The President of the Senate appointed the following Members to a Conference Committee to confer with a like House Committee to determine which proposed Constitutional Amendments shall be submitted to the people of Kentucky: C. W. Maloney, J. Harry Davis, and Leon J. Shaikun.

Representative Morgan moved to adjourn until 10 A.M., February 16. Agreed.

THURSDAY, FEBRUARY 16, 1956

THIRTY-SIXTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Edward L. Tullis, First Methodist Church, Frankfort.

The roll Call showed all present except Beshear, Buchanan, Gay, Grundy, Hadden, D. W. Howard, Lambert, Mullins, Nunn, Nunnelley, Rayburn, J. B. Reed, V. Reed, Reynolds, Wirsch, Young, who were granted leave of absence on motion of Representative Morgan.

Representative Isler moved that reading of February 15 Journal be dispensed with and that the same be approved. Agreed.

Orders of the Day

HB 335 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Billington moved to amend **HB 335** as follows:

Amendment No. 1: "Amend printed copy of House Bill 335 on page 1, section 1 (1), lines 4 and 5 after the word 'File,' eliminate 'Bond,' a blanket position bond, or bonds with two or more, co-sureties, written on a blanket position form." Adopted.

Amendment No. 2: "Amend printed copy of House Bill 335 on page 2, section 1 (2), line 14 on page 2, section 1, subsection (2), line 14; after the word 'blanket' delete 'bonds, or bonds with two or more' and substitute 'bonds, with/or without' ". Adopted.

Amendment No. 3: "Amend printed copy of House Bill 335 on page 2, section 1, on page 2, section 1, following line 21 insert a new subsection as follows: '(3) Such bond or bonds shall be written by and participated in only by insurance companies licensed by the Department of Insurance to do business in this state and shall be countersigned by a duly authorized licensed resident agent of the company. Such bonds may be written with or without co-sureties. Further, such bonds are to be a percentage of the total risks, the Department of Insurance to approve the amount of the risk written by any one Company.' " Adopted.

HB 335, as amended, read at length the third time. Representative Billington moved the Previous Question. Agreed.

On roll call, the vote was yeas 70—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breckinridge, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Dunsil, Embry, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Gullette, Hadden, Hahn, Harris, Heskamp, Heyburn, Highland, Hill, Hilton, Hislope, C. S. Howard, Isler, Jennings, Johnson, Kubale, Mackey, Martin, McCallum, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Parrish, Peace, Pollitte, Ratcliffe, Ray, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Stith, Thomas, Wathen, Weintraub, A. W. Wells, L. B. Wells, Wirsch, Young. Nays 0. **HB 335** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

Representative Morgan moved that **HR 6** be adopted by voice vote. Adopted.

HR 6: A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make studies of the State Gasoline Tax structure, to prepare reports, to make recommendations concerning revision of the State Gasoline Tax structure with a view toward encouraging out of state truckers to purchase gasoline within the Commonwealth of Kentucky.

WHEREAS, a previous enactment of this body (KRS 138.20) imposes an excise tax of seven cents per gallon on all gasoline received in this state and provides for collection thereof by the dealer receiving the gasoline; and

WHEREAS, an effort was made to circumvent such taxation by the owners and operators of interstate motor carriers through purchase of gasoline from dealers outside this state; and

WHEREAS, subsequent legislation has been enacted alleviating this situation and providing for payment of this tax to the Commonwealth of Kentucky although purchase and delivery may be made outside this state; and

WHEREAS, the existing tax structure tends to discourage the purchase of gasoline by interstate truckers and operators from dealers within this state resulting in an economic loss to such dealers within this state; and

WHEREAS, it is desirable that an examination of the existing Gasoline Tax structure be undertaken in order that the General Assembly may be fully advised in the consideration of a method of alleviating this situation

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission shall make comprehensive studies of the Gasoline Tax structure, statutes and court decisions relating thereto in both this state and other states which have attempted solution to the same and similar problems. The studies shall be presented so as to enable the Governor and the General Assembly to be informed as to the most feasible method of alleviating this situation.

Section 2. The Legislative Research Commission shall prepare and submit to the Governor and the General Assembly, not later than December 1, 1957, a report of the results of its studies containing specific recommendations for the use and benefit of the General Assembly when next in regular session.

Representative Morgan moved that **HR 14** be adopted by voice vote. Adopted.

HR 14: A JOINT RESOLUTION directing the Legislative Research Commission to conduct a study on the points and demerits system of handling traffic violations.

WHEREAS, the death toll of victims of accidents on the highways of the United States during the past year exceeds the total number of casualties during the three years of the Korean War;

WHEREAS, the National Safety Council advises that most traffic accidents are the direct result of violations of traffic laws and regulations; and

WHEREAS, the present methods of handling traffic violations seem inadequate to reduce the frequency of violations;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Legislative Research Commission is directed to make a study of the value of the points and demerits system of controlling traffic violations under which violations are evaluated numerically and totaled providing quantum measurements for determining whether a violator's operator's license should be suspended or revoked.

Representative Morgan moved that **HR** 24 be adopted by voice vote. Adopted.

HR 24: A JOINT RESOLUTION providing for a study and report on the question of establishing city and county governmental authority over, and responsibility for, purely local problems, and relieving the General Assembly of such duties.

WHEREAS, local governmental units at the city and county level are confronted with many varied and complex problems, which are best and more economically resolved at the local level; and

WHEREAS, under the provisions of our present Constitution and statutes, the General Assembly must continually concern itself with matters which are purely local in their nature, thus making it impossible for the legislature to give that time and attention of statewide importance, which is its proper function; and

WHEREAS, it is desirable, for these purposes, to establish the authority and responsibility of the people's duly elected and appointed city and county officials over such matters; and

WHEREAS, the detailed nature of such relationships, and the importance of the subject, are such as to merit the careful and informed consideration of both the Executive and Legislative branches, as well as that of the people;

NOW, THEREFORE, ,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Legislative Research Commission be, and it hereby is, authorized and directed to make a comprehensive study of, and report on, the question of establishing city and county governmental authority over, and responsibility for, local governmental problems, and relieving the General Assembly of the burden of such duties;

The Commission's report on this subject shall consist of two parts, and shall point out such economics as may be effected, as follows:

(1) The identification of that legislation which should be sought for the purpose of ensuring that degree of city and county governmental authority over, and responsibility for, purely local problems which is deemed possible and desirable under our present Constiution; and

(2) The determination of such Constitutional amendments, if any, as may be deemed desirable for the purpose of accomplishing the same general objective;

That, in the conduct of its study and the preparation of its report, the Commission avail itself of the advice and assistance of the Constitution Review Commission, the County Judge's Association of the Commonwealth of Kentucky, the Kentucky Municipal League and the Departments of Political Science of the University of Kentucky and Kentucky's State Colleges, as well as such other interested agencies, associations and individuals, both within and without the Commonwealth, as may contribute to a proper solution of this problem;

That the study and report contemplated by this Resolution be completed by the Legislative Research Commission not later than June 15, 1957, and a report of the findings be published and distributed to the members of the 1958 General Assembly.

Representative Morgan moved that **HR 28** be adopted by voice vote. Adopted.

HR 28: A JOINT RESOLUTION providing for a study and report on the conduct of political campaigns, the organization, procedures and practices of the two major parties, and the laws of the Commonwealth pertaining to the election and appointment of public officers.

WHEREAS, many isolated amendments to the election laws have been adopted over the years; and

WHEREAS, there has been no comprehensive study made of our political laws, other than those of registration and purgation, to determine whether or not they are adequately meeting the needs of present day democracy;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission, in cooperation with such committee of citizens as the Governor may see fit to appoint for the purpose, is hereby authorized and directed to make a comprehensive study of Kentucky's laws relating to elections, nominations, appointments, political campaigns, and the organization and conduct of the affairs of our two major political parties, and compare the same with the laws, political party rules and practices of other states, and with the Model Election System proposed by the National Municipal League.

Section 2. That the Legislative Research Commission shall prepare and submit to the Governor and the General Assembly, not later than September 1, 1957, a report of the results of its studies, containing specific recommendations for the use and benefit of the General Assembly when next in regular session.

Representative Morgan moved that **SR 26** be adopted by voice vote. Adopted.

SR 26: A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make a study of the advisability, necessity and possibility of establishing a number of homes for mentally retarded children.

WHEREAS, it appears that there are in the Commonwealth of Kentucky many children who are mentally retarded; and

WHEREAS, it appears that in many instances the parents of such mentally retarded children lack the funds necessary to bear the expense of helping such children in private institutions; and

WHEREAS, it appears to be in the best interests of the welfare of the people of the Commonwealth of Kentucky that its younger children, who are normal in intelligence, not to be thrown into constant association with such mentally retarded children; and

WHEREAS, it appears that the best interests of such mentally retarded children will be served by the establishment of homes, by the Commonwealth, in which such children could receive the special care and attention which they require.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission shall make a comprehensive study with respect to the advisability, necessity and possibility of the establishment of numerous homes, by the Commonwealth of Kentucky, for the care of mentally retarded children.

Section 2. The results of such a study be made the subject of a written report to be made available by July 1, 1957.

Representative Morgan moved that SR 27 be adopted by voice vote. Adopted.

SR 27: A JOINT RESOLUTION authorizing the Legislative Research Commission to make a study with respect to care and treatment of aged and senile persons and the advisability, necessity and possibility of establishing homes for the care and treatment of such persons.

WHEREAS, it appears that there are many aged and senile citizens of the Commonwealth of Kentucky who have neither the means or the mentality to care for themselves, and

WHEREAS, it appears that the character and morals of many juveniles, who are of necessity due to lack of facilities for supervised care of aged and senile persons, forced into association with such persons, are being adversely affected; and

WHEREAS, it appears aged and senile persons are often adjudged insane and committed to state insane asylums thereby causing overcrowding of such available institutions with the result that the efficiency and service of such institutions is impaired.

NOW THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission make a comprehensive study to determine the advisability, necessity, and possibility of establishing a number of homes for aged and infirm citizens of this Commonwealth.

Section 2. That such study be made the subject of a written report to be made available by July 1, 1957.

Representative Morgan moved that SR 28 be adopted by voice vote. Adopted.

SR 28: A JOINT RESOLUTION authorizing the Legislative Research Commission to make a study with respect to the advisability, necessity and possibility of establishing diagnostic training and treatment centers for children afflicted with cerebral palsy.

WHEREAS, a great number of the children of the Commonwealth of Kentucky are afflicted with a disabling disease known as cerebral palsy; and

WHEREAS, it appears that the Commonwealth would benefit from increased knowledge by persons in the medical field with respect to the disease in that may children now suffering with the disease might be cured and make useful citizens, and its occurance in many others might be prevented; and

WHEREAS, diagnosis and treatment of cerebral palsy is very costly, so much so that only a small percent of the parents of those suffering from the disease, or likely to contract it, are able to bear such expense; and

WHEREAS, it appears that the welfare of the people of the Commonwealth of Kentucky with respect to the disease of cerebral palsy, will best be served by the establishment of said diagnostic training and treatment centers.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission shall make a comprehensive study to determine the necessity and possibility of establishing a number of diagnostic training and treatment centers in the Commonwealth for diagnosis, training and treatment of those persons afflicted with cerebral palsy.

Section. 2. The result of such study be made the subject of a written report to be made available by July 1, 1957.

Representative Morgan moved that **SR 33** be adopted by voice vote. Adopted.

SR 33: A JOINT RESOLUTION providing for investigation and study by the Legislative Research Commission with the cooperation of the Department of Highways regarding bridges and ferries crossing the Ohio River between the state of Kentucky and the states of Illinois, Indiana, Ohio with respect to traffic volume, tolls and rates, operating schedules of the ferries, and other information respecting tolls and operating schedule of ferries.

WHEREAS, a disparity exists between the amounts of toll or rates of charges made for the privilege of using the various bridges spanning the Ohio river between the Commonwealth of Kentucky and the states of Illinois, Indiana and Ohio; and

WHEREAS, a disparity exists between the amounts of toll or rates of charges made by the various operators of ferries, for transporting vehicles across the Ohio between the Commonwealth of Kentucky and the states of Illinois, Indiana and Ohio; and

WHEREAS, it is necessary to the maintenance of adequate bridge and ferry facilities across the Ohio river, between the Commonwealth of Kentucky and the states of Illinois, Indiana and Ohio, and to the development of plans to provide for adequate bridge and ferry facilities for future requirements that the volume of traffic handled by each such bridge and ferry be ascertained; and

WHEREAS, it appears desirable that the operating schedules of ferries, crossing the Ohio river between the Commonwealth of Kentucky and the states of Illinois, Indiana and Ohio be obtained; and

WHEREAS, it appears desirable that information be gathered with respect to the necessity, or lack of same, of placing ferries operating across the Ohio River between the Commonwealth of Kentucky and the states of Illinois, Indiana and Ohio under closer supervision by the Commonwealth of Kentucky; and

WHEREAS, it appears desirable that information be gathered with respect to the practicability and feasibility of the Commonwealth of Kentucky obtaining ownership of ferries operating across the Ohio river between the Commonwealth of Kentucky and the states of Illinois, Indiana and Ohio; and

WHEREAS, it appears desirable that a study be made with respect to the practicability, feasibilty and desirability of installing a system of uniform tolls and rates to be charged for the privilege of using bridges and ferries crossing the Ohio river between the Commonwealth of Kentucky and the states of Illinois, Indiana and Ohio; and

WHEREAS, it appears desirable that a study be made with respect to the wisdom, necessity, practicability and feasibility of establishing a system of uniform schedules for the operation of ferries operating across the Ohio river between the Commonwealth of Kentucky and the states of Illinois, Indiana and Ohio; and

WHEREAS, it appears that as study of what course other states pursue with respect to regulation and supervision of like facilities will be of great value to the Commonwealth of Kentucky in its attempt to follow a sound policy with respect to bridges and ferries crossing the Ohio river between the Commonwealth of Kentucky and the states of Illinois, Indiana and Ohio

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission in cooperation with the Department of Highways is authorized and directed to make a careful and impartial investigation and study of bridges and ferries, connecting the Commonwealth of Kentucky and the states of Illinois, Indiana and Ohio, transporting vehicular traffic thereon with respect to certain factors which are of great importance to the social and economic welfare of the Commonwealth;

That such investigation and study include such factors as a study of the volume of traffic handled by each, of the tolls and rates charged, the operating schedule of ferries, the practicability and feasibility of placing ferries under closer supervision by the Commonwealth or procurring ownership of same, the practicability and feasibility of establishing a uniform system of tolls and rates, the practicability and feasibility of establishing a uniform operating schedule for ferries, the method and manner which neighbor bordering states employ when faced with similar problems;

That the Department of Highways include in the information contained in its official highway maps the amount of tolls or charges made for use of the various bridges and ferries crossing the Ohio river between the Commonwealth of Kentucky and the states of Illinois, Indiana, and Ohio and a schedule of trips by the ferries so operating;

That the Legislative Research Commission in cooperation with the Department of Highways include its findings in a report to the General Assembly of the Commonwealth of Kentucky, such report to be submitted not later than the 1958 regular session.

Representative Morgan moved that **SR 35** be adopted by voice vote. Adopted.

SR 35: A JOINT RESOLUTION providing for the continuation by the Legislative Research Commission of the study of the Judicial Department of the Commonwealth.

WHEREAS, Senate Resolution No. 52 adopted by the General Assembly at the 1954 Regular Session directed the Legislative Research Commission to study the Judicial Department of the Commonwealth and make a report to the 1956 Regular Session of the General Assembly; and

WHEREAS, an Advisory Committee on the Judicial System appointed pursuant to Senate Resolution No. 52 has made certain recommendations and has published findings as directed by said resolution; and

WHEREAS, the Advisory Committee on the Judicial System has found that the formulations of basic recommendations requires additional concentrated study and discussion;

NOW, THEREFORE,

Section 1. That the eLgislative Research Commission in cooperation and by and with the advice and counsel of the Constitution Review Commission, the Judicial Council, the Kentucky State Bar Association and the members of any special citizens committee which the Governor or the Legislative Research Commission may see fit to appoint for that purpose, is authorized and directed to continue to make a careful and impartial study of the Judicial Department of the Commonwealth of Kentucky.

Section 2. That the Legislative Research Commission shall report to the next regular session of the General Assembly its findings and recommendations as to desirable and feasible statutory and constitutional alterations in the existing courts and judicial system of the Commonwealth.

HB 440 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 43—Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Caudill, Conrad, Day, Flanery, Freeman, Gay, Greene, Gullette, Hadden, Hahn, Heskamp, Heyburn, Highland, Hill, Hinkle, Mackey, Martin, Morgan, Murphy, Newsom, Nunn, Parrish, Ratcliffe, Ray, Reynolds, Tanner, Thomas, Thompson, Walsh, Wathen, Weintraub, A. W. Wells, Williamson, Wirsch. Nays 20—Burnley, Cornett Davis, Harris, Hawkins, Hilton, Hislope, C. S. Howard, Jennings, Johnson, McCallum, McKinney, Mullins, Peace, Pollitte, H. V. Reid, Saylor, Stith, L. B. Wells, Young. **HB 440** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HR 12 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Morgan moved to amend **HR 12** as follows:

Amendment No. 1: "Amend printed copy of House Resolution 12 on page 2, section 4, line 34 by deleting therefrom the words 'Statute Revision Commission' and inserting in lieu thereof the following: 'Legislative Research Commission.'" Adopted.

Amendment No. 2: "Amend printed copy of House Resolution 12 on page 3, section 4, line 41 by deleting therefrom the words 'Reviser of Statutes' and submitting in lieu the following: 'Director of the Legislative Research Commission.'" Adopted.

HR 12, as amended, read at length the third time.

Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 20—Anderson, Barnum, Baumgardner, Billington, Blue, Burnley, Casey, Cottengim, Davis, Everett, Farmer, Harris, Hill, Holsclaw, C. S. Howard, Johnson, Morgan, Ray, Thomas, Wathen. Nays 45—Breathitt, Breckinridge, Bush, Caudill, Conrad, Cornett, Day, Dunsil, Flanery, Freeman, Griffin, Grigsby, Grundy, Hadden, Hahn, Heskamp Heyburn, Highland, Hilton, Hinkle, Hislope, Jennings, Kubale, Mackey, Martin, McCallum, McKinney, Miller, Mullins, Murphy, Nunn, Ockerman, Parrish, Peace, Pollitte, Ratcliffe, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Stith, Thompson, A. W. Wells, Williamson. **HR 12** was rejected.

Senate Message

Senate message announcing the passage of **HB 83, HB 7** with Senate Amendment, **HB 240, HB 213, HB 139, HB 110, HB 87** with Senate Amendment, **HB 255** with Senate Amendment, **HB 252, HB 294, HB 260, HB 341, HB 371, HB 401, HB 404** with Senate Amendment, **HR 46, SB 180, SB 194, SB 227, SB 251, SR 36** read by the Clerk.

Orders of the Day

HB 282 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 66—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Davis, Dunsil, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Harris, Heyburn, Highland, Hill, Hinkle, Hislope, C. S. Howard, Isler, Jennings, Johnson, Mackey, Martin, McCallum, McKinney, Miller, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ray, Rayburn, H. V. Reid, Reynolds, Saylor, Searcy, Stith, Thompson, Walsh, Wathen, Weintraub, Wirsch, Young. Nays 0. **HB 282** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 500 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Weintraub moved the Previous Question. Agreed.

On roll call, the vote was yeas 79—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, C. S. Howard, Isler, Jennings, Kubale, Lowman, Mackey, Martin, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Stith, Tanner, Thompson, Walsh, Wathen, Weintraub, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 500** was passed and the title agreed to.

Representative Morgan moved that the vote by which said Bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 428 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 82—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Gay, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Stith, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 3—Nunn, Ockerman, Williamson. **HB 428** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 441 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call the vote was yeas 80—Anderson, Barnum, Bates, Baumgardner, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Everett, Farmer, Flanery, Gay, Greene Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Stith, Thomas, Tinsley, Weintraub, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **HB 441** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 152 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Weintraub moved to amend **HB 152** as follows: "Amend printed copy of 152 on page 4, line 86-77. Strike out line

86-87 and add in lieu therefor the words 'equivalent of and a substitute for subsections (d) and (e) of Paragraph (1) of KRS 311.570.'" Adopted.

HB 152 as amended read at length the third time. Representative Weintraub moved to lay **HB 152** on the Clerk's desk. Agreed.

Recess

The House recessed until 2:15 P.M., on motion of Representative Morgan.

At the appointed hour, the Speaker called the House to order.

Orders of the Day

HB 516 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Holsclaw moved the Previous Question. Agreed.

On roll call, the vote was yeas 73—Bates, Billington, Blankenship, Blue, Buchanan, Burnley, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Everett, Flanery, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Morgan, Mullins, Newsom, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Rayburn, V. Reed, H. V. Reid, Reynolds, Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Wathen, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 16—Barnum, Breckinridge, Bridgers, Day, Farmer, Griffin, Heyburn, Miller, Moore, Murphy, Ray, J. B. Reed, R. Reid, Sr., Walsh, A. W. Wells, Baumgardner. **HB 516** was passed and the title agreed to.

Representative Burnley moved that the vote by which said Bill was passed be reconsidered and the motion laid on the table. Agreed.

Senate Message

Senate Message announcing the passage of **HB 495**, **HB 470**, **HB 463** with Amendments, **HB 339**, **HB 338**, **HB 337**, **HB 306**, **HB 156**, and **HB 362** with Senate Amendment, **SR 61**, **SR 67**, **SR 69**, **SR 55**, read by the Clerk.

Report On Enrolled Bills

The Committee on Enrollment reported that **SR 26**, **SR 27**, **SR 28**, **SR 33**, and **SR 35** had been examined and found correctly enrolled. Said resolutions read at length, compared, and signed in open session by the Speaker. Ordered that the original and enrolled copies be delivered to the Senate.

Report Of Rules Committee

The Rules Committee reported **SR 12**, **SR 18**, **SR 22**, **SR 30**, **SR 36**, **SR 37**, **SR 41**, **SR 45**, **SR 51**, **SR 52**, **SR 58**, **SR 59**, **SR 60**, **SR 61**,

SR 63, SR 68, SR 69, SB 23, SB 33, SB 77, SB 97, SB 98, SB 104, SB 116, SB 168, SB 194, SB 200, SB 204, SB 208, SB 209, SB 210, SB 211, SB 214, SB 215, SB 217, SB 218, SB 223, SB 234, SB 241, SB 249 with expression of opinion that the same should pass.

Said bills were read at length for the first time and ordered placed in the Calendar.

SR 12, A CONCURRENT RESOLUTION memorializing Congress to restore tobacco acreage allotments to their 1955 level.

WHEREAS, Agriculture is of highest importance to the economy of the Commonwealth of Kentucky;

WHEREAS, the production of tobacco is of first importance in the Agriculture of the Commonwealth;

WHEREAS, there has been drastic reduction of tobacco acreage over the past two years totaling about forty percent, resulting in considerable reduction in total farm production and causing hardship to the farmers in this Commonwealth;

WHEREAS, the total 1955 tobacco production has fallen far below the earlier crop estimates on which the 1956 allotments were based;

WHEREAS, there has been favorable increase in consumption of tobacco over the past several months;

WHEREAS, it now appears that reductions in tobacco acreage allotment for 1956, made in November of 1955, are unwise and unnecessary;

WHEREAS, the United States Department of Agriculture is without authority to now correct its 1956 allotments to adjust to the several differences between the estimates and the facts; and

WHEREAS, failure to do everything possible to bring about the production of tobacco in amounts most suitable to the economy of tobacco marketing within the principles of the production control program of the federal government, would undermine confidence in the program and cause undue hardship on the farmers of the Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Congress of the United States is urged to act in the exercise of its broad legislative powers and in the performance of its specific duty under the Agricultural Adjustment Act of 1938, to correct the tobacco acreage allotments for 1956 determined on the basis of an erroneous estimate of the 1955 crop;

Section 2. That the Congress act in this regard by canceling the reductions in the tobacco acreage allotments for 1956 and restoring these allotments to their 1955 level as is made advisable by production statistics now available to the Department of Agriculture and to the Congress; and

Section 3. That the Clerk of the House of Representatives is directed to forward copies of this Resolution to the President of the United States Senate and the Speaker of the United States House of Representatives, to each of the Senators and Representatives from Kentucky now serving in the Congress, and to the Secretary of Agriculture, United States.

SR 18, A JOINT RESOLUTION authorizing and directing the transfer of funds from Central Toll Bridge, Project No. 17, to Sinking Fund of the Suspension Toll Bridge, Project No. 18.

WHEREAS, there remains a balance of funds in the amount of $6,858.69 in the Central Toll Bridge account, Project No. 17, and that the bridge is now a toll-free bridge; and

WHEREAS, such funds are no longer needed in the account known as Central Toll Bridge, Project No. 17, and are needed in the Sinking Fund account of the Suspension Toll Bridge, Project No. 18;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Commissioner of Highways, Commissioner of Finance, and the State Treasurer are hereby authorized and directed to transfer to the Highway Bridge Bond Sinking Fund Account of the Suspension Toll Bridge, Project No. 18, the amount of $6,858.69, the balance in the Highway Bridge Bond, Sinking Fund Account of Project No. 17, Central Toll Bridge, which has become toll-free and on which the outstanding bonds have been paid or called for payment.

Section 2. Such balance as hereby authorized and directed to be transferred by Section 1 of this Act, shall be used for the payment and retirement of the Revenue Bonds of the Commonwealth of Kentucky outstanding against the bridge project to which transferred.

Section 3. Whereas, the delay in transfer of the funds to be transferred by this Act will prevent the proper utilization of funds available to be used in the Sinking Fund Account of the Suspension Toll Bridge, Project No. 18, an emergency is hereby declared to exist and this Act shall become effective upon passage and approval of the Governor.

SR 22, A CONCURRENT RESOLUTION memorializing Congress to establish an inland naval training center on Lake Cumberland.

WHEREAS, it is in the interest of the peace of the world that the United States maintain military forces sufficient to defend against any aggression threatening the security of America;

WHEREAS, essential to such military forces is the development of naval forces familiar with every kind of situation, and development of such forces in every part of the country to enable each part to mount a complete defense in case other parts are rendered inoperative as a consequence of attack or subversion;

WHEREAS, there is at this time no complete center for training in naval science and tactics in the Southeast Central part of the United States and this in spite of the presence of many natural major bodies of water and the development of many of the world's largest artificial bodies of water;

WHEREAS, the Lake Cumberland Region offers an ideal situation for institutional endeavor in that it affords a mild temperate climate with a normal amount of rainfall and a sample of nearly every kind of terrain and weather conditions, and sets amid beautiful scenery, deep in pioneer tradition and the social graces of hospitable living;

WHEREAS, the Lake Cumberland area is an ideal location for serving Eastern and Central United States in that it is centrally located in relationship to the eastern half of the United States, to the Ohio River Valley, and to the great inland basin of the United States and enjoys a regional proximity to more states than any other states, sharing boundaries with more than one-sixth of the other states, and being not more than one state removed from over half the states in the nation; and

WHEREAS, Lake Cumberland itself, one of the ten greatest world reservoirs, is an ideal lake for inland naval training in that it is of great size having a storage capacity of more than six million acre feet of water running more than one hundred river miles in length, and is a relatively clear body of water with a twelve hundred fifty-five mile coastline not yet highly developed by commercial interests;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Congress of the United States is petitioned to consider the area on and around Lake Cumberland for the establishment of an inland naval training station for training United States naval personnel; and

Section 2. That the Clerk of the Senate is directed to forward authenticated copies of this resolution to the President of the United

States Senate, the Speaker of the United States House of Representatives, to each of the Senators and Representatives now serving in the United States Congress and to the Department of the Navy.

SR 30, A CONCURRENT RESOLUTION urging Congress of the United States Army Corps of Engineers to complete water control construction in the Upper Cumberland River area.

WHEREAS, the value of complete systems for controlling the water resources of the land for purposes of water conservation for agriculture and industry, navigation to provide cheaper movement of cargo, water power for industry and national defense, and flood control to protect against the ravages of flood waters, has been proven beyond doubt in the many fine control systems now existing in this country;

WHEREAS, the control plan for the Upper Cumberland River has been determined for some time and worked out in detail by the United States Corps on Engineers, calling for dam construction at Celina, Rockcastle Narrows, Laurel, Helenwood, and Devils Jumps, to supplement the system around Wolf Creek Dam; and

WHEREAS, these supplemental dams have not yet been built;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Congress of the United States is urged to appropriate funds for the completion of the Upper Cumberland River dam system, particularly for the construction of dams at the sites of Celina, Rockcastle Narrows, Laurel, Helenwood, and Devils Jumps to provide complete safety and resources control in this area;

Section 2. That the Corps of Engineers is urged to seek funds for completion of the Corps of Engineers Plan for the Upper Cumberland River; and

Section 3. That copies of this resolution, duly authenticated, be forwarded to the President and Chief Clerk of the United States Senate, the Speaker and Chief Clerk of the House of United States Representatives, to the United States Department of the Interior, and to the United States Corps of Engineers.

SR 36, A JOINT RESOLUTION authorizing civil action against the Commonwealth in the interest of Charles C. Gross.

WHEREAS, it appears by affidavit that Charles C. Gross performed services for the Department of Highways of the Commonwealth of Kentucky during certain periods of time between the years 1949 and 1953;

WHEREAS, it appears by affidavit that Charles C. Gross was, through inadvertence, compensated at an hourly rate lower than that to which the services entitled him;

WHEREAS, it appears by affidavit that Charles C. Gross encumbered certain authorized travel expenses for which he was not reimbursed, and

WHEREAS, without the authority of this Resolution Charles C. Gross is unable to recover these amounts he claims are owed to him;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Charles C. Gross is authorized to sue the Commonwealth of Kentucky and the Kentucky Department of Highways, or either of them, in the Leslie Circuit Court for money allegedly due him from the Commonwealth for services performed for the Department of Highways between the 1st day of August, 1949, and the 30th day of April, 1953, for which he was not fully compensated; that said action shall be commenced within one year from the effective date of this Resolution, and that no plea of limitations will be interposed if commenced within that time.

Section 3. That said action shall be limited to a sum not in excess of four thousand dollars;

Section 4. That the Attorney General of the Commonwealth of Kentucky may investigate this claim and settle it before or after suit is filed if he deems it advisable;

Section 5. That any amount recovered in this action, either by settlement or judgment, shall be paid out of the Road Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer;

Section 6. That in the event suit is filed and judgment rendered, either party may appear to the Court of Appeals in the manner provided in the Rules of Civil Procedure; and

Section 7. That no statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

SR 37, A CONCURRENT RESOLUTION petitioning Congress and the Veterans Administration for improvement in hospital facilities for veterans.

WHEREAS, the people of this country have on several occasions clearly expressed their intention to provide special facilities for those who served in the defense of their country;

WHEREAS, the Congress of the United States has acted in the fulfillment of the people's attention by providing a veterans hospital program among other benefits; and

WHEREAS, the facilities thus provided have become overcrowded to the extent that some veterans are unable to get the hospital care they need, and either along with this overcrowding or as a consequence of it, there has developed a considerable amount of preliminary procedural requirements for entering such facilities which discourage their use by many who are entitled to make use of them;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Congress of the United States is urged to act to provide more hospital beds for the use of veterans to enable all veterans to obtain necessary hospital treatment;

Section 2. That the Veterans Administration is urged to seek the installation of more hospital beds and reduce the procedural prerequisites for admission to veterans hospitals; and

Section 3. That copies of this resolution, duly authenticated be forwarded by the Clerk of the Senate to the President and Chief Clerk of the United States Senate, to the Speaker and Chief Clerk of the United States House of Representatives, to each of the Senators and Representatives now serving in the Congress and to the Administrator of Veterans Affairs, Veterans Administration, United States.

SR 41, A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky in the interest of the estate of Ulysses G. Sparks, deceased, and members of his family.

WHEREAS, it appears by affidavit that a one-car accident on a highway in Fayette County on the 3rd day of October, 1953, caused death to Ulysses G. Sparks, and personal injuries to Beulah Sparks, Ullysses G. Sparks, Jr., Barbara Sparks, and Carol Faye Sparks;

WHEREAS, it appears by affidavit that this accident may have occurred as proximate result of negligence on the part of the Commonwealth or its employes in that detour construction and highway markers were involved; and

WHEREAS, the alleged damages to each of the persons involved, exceed the jurisdictional amount limitation imposed on the Board of Claims;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the personal representatives of Ulysses G. Sparks, deceased, Beulah Sparks, and the guardian of Ulysses G. Sparks, Jr., Barbara Sparks and Carol Faye Sparks, any or all of them, their representatives, administrators or guardians are authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either of them, in the Fayette Circuit Court, for damages arising out of an accident which occurred on the 3rd day of October, 1953, at the Cane Run Road Lexington-Paris Pike intersection in Fayette County, allegedly involving road construction, detours and highway signs and possible negligence on the part of the Commonwealth or its employes; that the action shall be commenced within one year from the effective date of this Resolution, and that no plea of limitations shall be interposed if commenced within that time;

Section 2. That such action by the personal representative of Ulysses G. Sparks, deceased, shall be for a sum not in excess of $10,000; that such action by Beulah Sparks shall be for a sum not in excess of $15,000; that such action by the guardian of Ulysses G. Sparks, Jr., Barbara Sparks and Carol Faye Sparks shall be for a sum not in excess of $10,000 for each ward;

Section 3. That the Attorney General of the Commonwealth of Kentucky may investigate these claims and settle any or all of them before or after suit is filed if he deems it advisable;

Section 4. That any amount recovered in these actions, either by settlement or judgment, shall be paid out of the Road Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer;

Section 5. That final judgment in any of these actions may be appealed by either party to the Court of Appeals in the manner provided in the Rules of Civil Procedure; and

Section 6. That no statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

SR 45, A CONCURRENT RESOLUTION memorializing the Congress of the United States to appropriate sufficient funds to purchase a tract of land adjacent to the Zachary Taylor National Cemetery to be included as part of Zachary Taylor National Cemetery.

WHEREAS, the General Assembly of the Commonwealth of Kentucky has been advised that burial space in the Zachary Taylor National Cemetery has become limited; and

WHEREAS, the Zachary Taylor National Cemetery is one of our National Shrines dedicated to the nation's heroes who have given their lives in defense of the principles and ideals upon which our great nation is founded; and

WHEREAS, General Zachary Taylor, the man for which this national shrine was named, was one of Kentucky's great statesmen and military leader; and

WHEREAS, it appears that there is now available for purchase a tract of land adjacent to the Zachary Taylor National Cemetery, containing approximately sixty acres;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the General Assembly of the Commonwealth of Kentucky in regular session assembled, the Senate and the House concurring, memorializes the 84th Congress of the United States to appropriate sufficient funds for the purchase of a tract of land containing approximately sixty acres adjacent to the Zachary Taylor National Cemetery to be included and made a part of the Zachary Taylor National Cemetery.

Section 2. That the Senators and Representatives of Kentucky in the 84th Congress are urged to introduce and support legislation to accomplish the foregoing.

Section 3. That copies of this memorial, duly authenticated, be sent by the Clerk of the House to the President and Chief Clerk of the Senate of the United States, the United States Senators from Kentucky, the Speaker and Chief Clerk of the House of Representatives of the United States, and the Representatives in Congress from Kentucky.

SR 50, A JOINT RESOLUTION adjourning in memory of the late Lee J. Merkel, Lieutenant Colonel, Kentucky Air National Guard.

WHEREAS, Lieutenant Colonel Lee J. Merkel, Kentucky Air National Guard, met his death on 31 January, 1956, in the crash of a Kentucky Air National Guard aircraft, which the said Lee J. Merkel was piloting pursuant to his duties as an Air National Guardsman, and

WHEREAS, the mission on which the said Lee J. Merkel met his death was being flown by him as a means of retaining his skill at flying and as a means of increasing his proficiency as a pilot of aircraft to the end that the Air Defense of this nation be maintained at its present level of superiority, and

WHEREAS, the said Lee J. Merkel, an outstanding pilot of aircraft, has unselfishly, courageously and with the highest devotion to duty given of his time and efforts in cooperation with other members of the Kentucky Air National Guard, in making said Air National Guard unit second to non in the nation, and

WHEREAS, the said Lee J. Merkel served his country with distinction, valor, high courage and gallantry during World War II, having flown one hundred and forty-three combat missions (on one of which he was shot down behind enemy lines) in six campaigns in North Africa, Sicily, Italy and France, and having received numerous decorations in the form of the Air Medal with five clusters, the Distingushed Flying Cross, and two Presidential Unit Citations, and

WHEREAS, in addition to his distinguished service in World War II, the said Lee J. Merkel was recalled to active duty on October 10, 1950, during the time of the Korean conflict, and again unhesitatingly answering the call, served for two years in England in such manner and with such a devotion to duty as to reflect the highest credit upon this nation and our beloved Commonwealth,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That when the House of Representatives and the Senate of the Commonwealth of Kentucky do adjourn today, they do so in honor of and in memory of the late Lee J. Merkel, Lieutenant Colonel, Kentucky Air National Guard.

That the Clerk of the Senate cause copies of this resolution to be presented to Mrs. Catherine T. Merkel, widow of Colonel Merkel and to each of his four surviving children and to his commanding officer, Brigadier General Philip Ardery, Kentucky Air National Guard.

SR 51, A JOINT RESOLUTION authorizing Dorothy Burke as administratrix of the estate of Harry Burke to sue the Commonwealth of Kentucky or the Department of Highways, or both.

WHEREAS, Harry Burke, a citizen of Floyd County, Kentucky, lost his life as a result of falling during the nighttime from a bridge over Abbott Creek in Floyd County, and

WHEREAS, said bridge was at the time of the fatal accident and still is maintained by the Department of Highways, and

WHEREAS, at the time the late Harry Burke fell from said bridge, it was is a state of disrepair and one of the handrails had fallen from said bridge and had not been replaced by the Department of Highways, and

WHEREAS, said negligence by the Department of Highways, its agents or employes substantially contributed to the death of Harry Burke;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Dorothy Burke, as administratrix of the estate of Harry Burke, be and she is hereby authorized to sue the Commonwealth of Kentucky or the Department of Highways, or both, in the Floyd Circuit Court for damages resulting from the death of Harry Burke caused by his falling during the nighttime from a State maintained bridge over Abbott's Creek in Floyd County, Kentucky, and caused as the said administratrix contends by the alleged negligence of the Department of Highways of the Commonwealth of Kentucky, its agents, servants and employes in failing to keep the said bridge in proper repair and failing to replace one or more of the handrails on said bridge.

Said suit shall be for a sum not in excess of ten thousand dollars.

The Attorney General of the Commonwealth of Kentucky may investigate this claim against the Commonwealth and settle it before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon a warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and a judgment rendered by the circuit court, either party may appeal to the Court of Appeals in Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth or Department of Highways and this resolution shall not be introduced as evidence nor commented upon by counsel in the argument to the jury.

SR 52, A JOINT RESOLUTION Authorizing W. W. Durham, to Sue the Commonwealth of Kentucky and the Department of Highways of the Commonwealth of Kentucky, or Either.

WHEREAS, W. W. Durham, claims on the 17th day of March, 1948, on Spalding Avenue, in the City of Lebanon, Marion County, Kentucky, between High Street and St. Rose Pike, in said City, a car owned by the Department of Highways of the Commonwealth of Kentucky, which at that time was driven by an employee of said department, ran against Thomas Milton Durham, an infant then four years of age and the son of said W. W. Durham, and

WHEREAS, W. W. Durham claims that said collision was a direct and proximate result of carelessness and negligence on the part of the driver of said automobile, who at the time was an employee of the Department of Highways of the Commonwealth of Kentucky, and that at the time of said collision the driver of such automobile was in the line of his duty as such an employee, and

WHEREAS, said W. W. Durham has sustained substantial damages as the direct and proximate result of such collision, NOW, in order that he may determine his rights by judicial action and in order that the question of negligence, if any, causing such damages may be determined by judicial action,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

(1) That W. W. Durham hereby is authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, either or both, in the Marion Circuit Court, for damages resulting from personal injuries to his son, Thomas Milton Durham, caused by alleged negligence on the part of an employee of the Department of Highways of the Commonwealth of Kentucky while said employee was in the line of duty as such employee, and for the purpose of determining the liability of the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either, for such damages, if any, thereby arising from the above-stated facts. The limit of liability to W. W. Durham shall be Six Thousand ($6,000) Dollars.

(2) The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle such claim, before or after suit is filed, if he deems it advisable. Any amount recovered in said suit, after judgment or agreed upon in settlement by the Attorney General, shall be paid out of the Road Fund upon a warrant or warrants drawn by the Commissioner of Finance upon the State Treasurer.

(3) If the said W. W. Durham files a suit hereunder and a judgment is rendered in such suit, either party may appeal to the Court of Appeals of Kentucky, as in other civil cases. No plea of limitation shall be interposed with reference to such suit.

(4) No statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and/or the Department of Highways of Kentucky, and this Resolution shall not be introduced as evidence or commented upon by counsel in argument to the jury.

SR 58, A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make, or have made a study of the costs, benefits and coverage of the Kentucky Teacher's Retirement System as compared to that which might be available to teachers under the Retirement System for Employes of the Commonwealth of Kentucky.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission is directed to look into and ascertain the costs and benefits of the present Kentucky Teacher Retirement System compared with coverage of the public school teachers of Kentucky by the Retirement System for State Employes. The latter combines a state retirement system with Social

Security. Said study is to be made for the purpose of securing information essential to future legislation to secure coverage of teachers by the Federal Old Age and Survivors Insurance (Social Security) without loss or impairment of their state retirement.

Section 2. The Legislative Research Commission shall, for purposes of estimating the cost of teacher coverage by the Retirement system for State Employes, assume that the accumulated reserve fund of the present Kentucky Teacher Retirement System would be set aside and put in a special fund for the payment of retirement benefits to teachers; further they shall assume that said fund would be turned over to administrators of the Retirement System for State Employes to be used only for the payment of retirement benefits to teachers.

SR 59, A JOINT RESOLUTION providing Kentucky Administrative Regulations Service to members of the General Assembly.

WHEREAS, administrative regulations are adopted pursuant to authority granted by the General Assembly and are detailed extensions of the law enacted by the General Assembly; and thus are secondarily the responsibility of the General Assembly and subject to its final authority;

WHEREAS, the only way members of the General Assembly can obtain fully compiled up-to-date copies of all the regulations of all agencies, there being presently half a hundred agencies adopting and filing regulations at about fifty different times a year and another half a hundred not yet exercising their authority to adopt and file regulations, is to receive copies of the regulations from the central distribution service provided by the Legislative Research Commission;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is directed to furnish to each member of the General Assembly who makes a written request therefor a subscription to any part or all of the Kentucky Administrative Regulations Service, during his term of office.

Section 2. That, to carry out the purposes of this Resolution, there is appropriated to the regulations revolving fund of the Legislative Research Commission the sum of two thousand five hundred dollars out of the General Expenditure Fund.

SR 60, A JOINT RESOLUTION providing for a study to determine the proper age that a child should enter the common schools.

WHEREAS, in 1944 it was provided by KRS 158.040 that any child who was six years of age on or before September 30 could enter school at the beginning of the session; and

WHEREAS, in 1946 that section was repealed and KRS 158.030 was amended to provide that any child who was six years of age on or before January 1 following the opening of the school year could enter school at the beginning of the school year, except in schools having mid-year promotions; and

WHEREAS, in 1950 the aforesaid statute was amended to provide that any child who was six years of age on or before September 1 following the opening of the school year could enter school at or within thirty days of the beginning of the school year; and

WHEREAS, in 1952 the aforesaid statute was again amended to provide that any child who is six years of age on or before December 30 following the opening of school may enter school; and

WHEREAS, in a period of less than ten years, the statute dealing with entrance age of children entering the common schools has been amended four times and each amendment has affected hundreds of Kentucky's children and their parents, as well as many teachers in the elementary schools of the state; and

WHEREAS, a study on the question would appear desirable,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is authorized and directed to make a careful study of the question of what should be the entrance age of pupils entering the common schools. In making such study the Legislative Research Commission should explore the possibility of requiring pre-school examinations.

Section 2. That the Legislative Research Commission shall report to the next regular session of the General Assembly its findings and recommendations with respect to its study.

SR 61, A JOINT RESOLUTION authorizing Charles McCuiston, a married man under twenty-one years of age, Kelly Brooks McCuiston, William L. Hargrove, Mrs. William L. Hargrove and Tom Hurt, all of Murray, Calloway County, Kentucky, to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Charles McCuiston, a married man under twenty-one years of age, Kelly Brooks McCuiston, William L. Hargrove, Mrs. William L. Hargrove and Tom Hurt, jointly or individually, are hereby authorized and permitted to sue the Department of Highways and the Commonwealth of Kentucky, or either of them, in such sums as will fairly and reasonably compensate each of them, but the total of all suits not to exceed the sum of six thousand and eighty-nine dollars, for such injuries and damages as they may have sustained as a direct and proximate result of the negligence, if any, of the Department of Highways and the Commonwealth of Kentucky through the negligence of their employes.

Section 2. That the action herein authorized and permitted may be brought in the Calloway Circuit Court, same being the circuit court having jurisdiction in Calloway County, Kentucky, the county in which the damages and injuries were incurred. Said suit shall be commenced within one year from the effective date of this Resolution and no plea of limitations shall be interposed if commenced within that time.

Section 3. That such cross-claims or counter-claims be permitted as are allowable by the law and by and between the parties involved, the Department of Highways and the Commonwealth of Kentucky.

Section 4. That any party to such action may appeal from any judgment which may be entered by the Calloway Circuit Court to the Court of Appeals of Kentucky as in any other civil suit and this suit may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as an civil action may be settled or adjusted. If recovery is had by suit or compromise, the amount so adjudged or compromised shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the Department of Highways or the Commonwealth of Kentucky, and this Resolution or any portion thereof shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

SR 63, A JOINT RESOLUTION authorizing Charles McCuiston and Kelly Brooks McCuiston, both of Murray, Kentucky, to sue the Commonwealth of Kentucky, and the Department of Highways, or either.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Charles McCuiston (a married man under twenty-one years of age) and Kelly Brooks McCuiston, both of Murray, Kentucky, are authorized to sue the Commonwealth of Kentucky, and the Department of Highways, or either of them in the Calloway Circuit Court as third party defendants in the action now pending in the Calloway Circuit Court styled William L. Hargrove and Kentucky Farm Bureau Mutual Insurance Company vs. Kelly Brooks McCuiston and Charles McCuiston, and demanding of Charles McCuiston and Kelly Brooks McCuiston the sum of Two-Thousand Four Hundred and

Eighty-Nine ($2,489.00) Dollars, and are further authorized to file a cross-claim as against the Commonwealth of Kentucky, and the Department of Highways, or either of them in the Calloway Circuit Court for damage to his car together with the loss of the same, caused by the alleged negligence on the part of employees of the Department of Highways of Kentucky while said employees were in the line of duty as employees of this Commonwealth.

2. Said third party action to be for that sum allowable by the law of contribution.

3. Said cross-claim shall be for a sum not in excess of Six Hundred ($600.00) Dollars.

4. That Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

5. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

6. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

SR 68, A JOINT RESOLUTION urging the General Assembly of the Commonwealth of Kentucky to adopt the tulip poplar tree as the official tree of the Commonwealth.

WHEREAS, the tulip poplar is a stately magnificent tree, the beauty of which is rivaled only by that of the great Commonwealth of Kentucky as a whole; and,

WHEREAS, the said tulip poplar abounds in all sections of this great Commonwealth to the exclusion of none; and,

WHEREAS, the beauty and stateliness of this magnificent tree typifies the dignity, beauty, grace and culture of the Commonwealth; and,

WHEREAS, it appears desirable that a unity of image, common to all sections of the Commonwealth, be conveyed to the mind of each citizen when reference is made to the state tree,

NOW, THEREFORE,

Be resolved by the General Assembly of the Commonwealth of Kentucky:

That the General Assembly of the Commonwealth of Kentucky adopt the tulip poplar as the official tree of the Commonwealth.

SR 69, A CONCURRENT RESOLUTION providing for an extension of time of Senate Resolution No. 6, providing for an inquiry into and investigation of the affairs, activities and management of the Kentucky Department of Insurance; providing for the committee to continue to make such inquiry and investigation and prescribing its powers and duties; providing that funds appropriated to the Legislative Research Commission shall be at the disposal of the committee herein provided for, and declaring an emergency.

WHEREAS, the committee established by Senate Resolution No. 6 needs additional time in which to complete its investigation and make its report.

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. The joint committee provided for by the Senate Resolution No. 6, heretofore appointed by the Speaker of the House of Representatives and the President of the Senate, with all its powers, authority, rights, privileges and duties, including the right to subpoena and swear witnesses, as set out in Senate Resolution No. 6, is hereby continued and extended for a period of time extending twenty days, excluding Sundays and legal holidays, beyond the date of adjournment of the General Assembly of the Commonwealth of Kentucky at Regular Session 1956.

Section 2. The committee shall proceed as rapidly as practicable with the inquiry and investigation, and make a preliminary report to the Governor, the Speaker of the House and the President of the Senate of the essential facts developed as soon as practicable and a complete and final report of its findings is to be made to the Governor, the Speaker of the House and the President of the Senate at a special or extraordinary session to be held in 1956.

Section 3. The members of this committee shall be paid twenty-five dollars per day for its services and an additional ten dollars per day for living expenses, for each day between the adjournment of the regular 1956 session of the General Assembly and the first day of the first session or extraordinary session, 1956 of the General Assembly. Each committee member shall also be reimbursed for his actual expenses, other than living expenses, in the performance of his work on this committee.

Section 4. Members of this committee are authorized to meet and to carry on its business whether or not the Kentucky General Assembly is in session.

Section 5. All financial obligations incurred by the committee shall be paid in the manner provided in Sections 2 and 5 of House Bill 3 of the 1956 Regular Session of the General Assembly.

Section 6. Whereas, it is essential that the inquiry and investigation be continued beyond the adjournment of the Regular Session of the 1956 General Assembly, an emergency is declared to exist and this resolution shall take effect upon its passage and approval by the Governor.

SB 23, AN ACT relating to the creation of an independent state agency to be known as the Kentucky Commission on Alcoholism, and the establishment of a state-wide program for the treatment and rehabilitation of alcoholics, research into the causes and prevention of alcoholism, and public education concerning this disorder.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The purpose of this Act is to establish a state-wide program for the rehabilitation of alcoholics, research into the causes and prevention of alcoholism, and public education concerning the problem of alcoholism.

Section 2. (1) For the purpose of carrying out the provisions of this Act, there is hereby created a Commission to be hereafter known as the Kentucky Commission on Alcoholism. The Commission shall constitute an agency independent of the administrative department provided for in Chapter 12 of the Kentucky Revised Statutes.

(2) The Commission shall consist of seven members with an interest in and knowledge of the alcoholism problem, said members to be appointed by the Governor. At least two of the seven members shall be doctors, and one of the doctors shall be a psychiatrist. Three members shall be appointed for a term of one year, two members shall be appointed for a term of two years and two members shall be appointed for a term of three years. At the expiration of these terms appointments shall be for terms of four years. Appointments shall be made by the Governor to fill any existing vacancies.

(3) The duties of the Commission shall be to study the problems of alcoholism within the state, to formulate and carry out programs of education designed to curb the excessive use of alcohol and reduce the number of alcoholics, to establish such facilities and employ such personnel as are necessary and available for the diagnosis and rehabilitation of alcoholics, to accept for examination, diagnosis, guidance and treatment, insofar as funds permit, any person coming to it of his own volition for advice and guidance.

(4) A chairman and a vice-chairman of the Commission shall be elected at the first meeting and every year thereafter. The Commission shall keep a complete and accurate record of all its proceedings.

Section 3. The Commission may appoint with the approval of the Governor an Executive Director who shall serve for a term of four years and until his successor is appointed and has qualified, subject to removal at any time at the discretion of the Commission. The Commission shall fix the salary of the Executive Director, within the limits of funds made available to the Commission.

Section 4. To the extent that funds are available, the Commission shall be empowered to contract for space and facilities to be used for out-patient clinics, and to contract with hospitals and private doctors for the emergency hospitalization and care of chronic alcoholics. To the extent that funds are available the Commission may enter into cooperative agreements with municipal and other agencies operating facilities for treating alcoholics; provided, however, that no contract made by the Commission under this section shall constitute a claim against the Commonwealth. The Commission may employ such medical, psychiatric, psychological, secretarial and other assistance as may be necessary to carry out the provisions of this Act.

Section 5. The Commission shall be empowered to accept gifts, bequests, contributions and patient fees at its discretion. Such moneys shall go into a trust and agency fund to be used in furthering the work of the Commission.

Section 6. The Commission shall be authorized to establish rules and regulations for the admission of patients to its facilities and to set fees for treatment. Fees shall be scaled according to the ability of the patient to pay.

Section 7. Upon request of the Commission, approved in writing by the Governor, any department, agency or commission of the Commonwealth shall furnish without cost to the Commission such services, facilities and assistance as are available and, in the judgment of the Commission and the Governor, required to effectuate the purposes of this Act.

SB 33, AN ACT relating to distilled spirits tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 243.680 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall manufacture distilled spirits in this state unless he first obtains from the department a permit to engage in the business of manufacturing distilled spirits. At the time of the issuance of the permit he shall pay to the state a tax of twenty cents for each proof gallon of distilled spirits for which the permit is issued.

(2) (a) No person shall ship or transport or cause to be shipped or transported into the state any distilled spirits from points without the state without first obtaining a permit from the department and paying a tax of twenty cents on each proof gallon contained in the shipment.

(b) No railroad company or express company shall receive for shipment or ship into this state any package or receptacle containing distilled spirits unless a copy of the permit, showing that payment of required taxes has been made, accompanies the shipment.

(c) The permit shall be in the form prescribed by the department, and all shipments into the state shall be governed by the regulations promulgated by the department.

(d) A railroad or express company need not obtain a permit to transport distilled spirits, but shall be subject to all regulations of the department.

Section 2. Section 243.690 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall engage in the business of blending, rectifying or mixing distilled spirits, without obtaining from the department a permit to blend, rectify or mix distilled spirits. An excise tax of twenty cents is imposed for each proof gallon of distilled spirits that has not borne the tax imposed by KRS 243.680 and which is used in said blending, rectifying or mixing.

(2) A person engaging in the business of blending, rectifying or mixing distilled spirits shall report on or before the tenth day of the succeeding month, in such form and stating such facts as may be prescribed by the department, the amount of the distilled spirits blended, rectified or mixed during the preceding month. At the time of making the report, he shall pay the tax due under this section.

SB 77, AN ACT relating to barbers and beauty specialists and apprentice barbers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 317.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) No apprentice may practice barbering or beauty culture independently but may do any act constituting the practice of barbering or beauty culture under the immediate supervision of a licensed barber or beauty specialist. Only one apprentice barber may be employed in any licensed barber shop. Apprentice barbers shall serve their apprenticeship under licensed barbers, and apprentice beauty specialists shall serve their apprenticeship under licensed beauty specialists. No apprentice barber shall be permitted to practice barbering, as an apprentice, for a longer period of time than two years from the date on which his apprentice license is issued. At the expiration of two years of apprenticeship, the apprentice barber shall have either obtained his license, as a barber, or his license as an apprentice shall be revoked.

SB 97, AN ACT relating to gifts of securities to minors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Any adult person may make a gift of securities to a person who has not attained the age of 21 years on the date of the gift (hereinafter referred to as the "minor") in the following manner:

(a) Securities, if in registered form, shall be registered by the donor in his own name or in the name of any adult member of the minor's family or in the name of any guardian of the minor, followed by the words "as custodian, for ------------------, a minor," and the securities shall be
(name of minor)
delivered to the person in whose name they are thus registered as custodian. If the securities are thus registered in the name of the donor as custodian such registration shall of itself constitute the delivery required by this section.

(b) Securities, if in bearer form, shall be delivered by the donor to any adult members of the minor's family, other than the donor, or to any guardian of the minor, accompanied by a deed of gift duly acknowledged in substantially the following form, signed by the donor and the person designated therein as custodian:

"Deed of Gift"

I, -- do hereby
(name of donor)
deliver to ------------------------------------- as custodian for
(name of Custodian)
----------------------------- a minor, the following security(ies):
(name of minor)
Principal amount $-------- of the -----------------------------
(description of security)
Serial number of security ----------------
or
Certificate No. --------------, representing --------- shares of the -------------------------- stock of -----------------------
(class or type of stock (name of company)

(signature of donor)

I, --- do hereby
(name of custodian)
acknowledge receipt of the above described security(ies).

(signature of custodian)

Dated: ---------------------------------"

(c) The person designated as a custodian under this subsection is hereinafter called "the custodian."

(2) A gift made in the manner prescribed in subsection 1 of this section shall be irrevocable and shall convey to the minor indefeasibly vested legal title to the securities thus delivered, but no guardian of the person or property of the minor shall have any rights, duties or authority with respect to any property held at any time by the custodian under the authority of this section unless said guardian shall himself be or become custodian in accordance herewith.

Section 2. (a) The custodian shall hold, manage, invest and reinvest the property held by him as custodian, including any unexpended income therefrom, as hereinafter provided. He shall collect the income therefrom and apply so much or the whole thereof and so much or the whole of the other property held by him as custodian as he may deem advisable for the support, maintenance, education and general use and benefit of the minor, in such manner, at such time or times, and to such extent as the custodian in his absolute discretion may deem suitable and proper, without court order, without regard to the duty of any person to support the minor and without regard to any other funds which may be applicable or available for the purpose. To the extent that property held by the custodian and the income thereof is not so expended, it shall be delivered or paid over to the minor upon the minor's attaining the age of twenty-one (21) years, and in the event that the minor dies before attaining the age of twenty-one (21) years it shall thereupon be delivered or paid over to the estate of the minor.

(b) The custodian may sell, exchange, convert, or otherwise dispose of any and all of the securities or other property held by him in such manner and at such time or times, for such prices and upon such terms as he may deem advisable; he shall have the power in his sole and absolute discretion to retain any and all securities delivered to him within the meaning and under the authority of this act without reference to the statutes relating to permissible investments by fiduciaries; he shall invest the minor's property in such securities as would be acquired by prudent men of discretion and intelligence who are seeking a reasonable income and the preservation of their capital without reference to the statutes relating to permissible investments by fiduciaries or hold part or all of the same in one or more bank accounts in his name as such custodian; he may vote in person or by general or limited proxy with respect to any securities held by him; he may consent directly or through a committee or other agent to the reorganization, consolidation, dissolution or liquidation of any corporations, the securities of which may be held by him, or to the sale, lease, pledge or mortgage of any property by or to any such corporation.

(c) In addition to the foregoing rights, powers and duties with respect to any securities or other property held by the custodian, the custodian, in his name as such custodian, shall have all the powers of management which a guardian of the property of the minor would have.

(d) The custodian may execute and deliver any and all instruments in writing which he may deem advisable to carry out any of the foregoing powers. No issuer of securities, transfer agent, registrar or bank or other person acting on the instruction of any person purporting to be a custodian or donor shall be responsible for determining whether any person has been duly designated as a custodian under this act, or whether any purchase, sale or transfer to or by any person as custodian is in accordance with or authorized by this act, or shall be obliged to inquire into the validity under this act of any instrument or instructions executed or given by a person purporting to act as custodian or donor, or be bound to see to the application by any person purporting to act as custodian, of any money or other property paid or delivered to him. All registered securities held by the custodian from time to time shall be registered in his name followed by the words "as custodian for ------------------------------------,
(name of minor)
a minor.
All other property held by the custodian for the minor under the authority of this act shall be kept separate and distinct from the custodian's own personal funds and property and shall be maintained at all times in such a manner as to identify it clearly as the minor's property held by the custodian under the authority of this Act.

Section 3. A person acting as custodian, other than a guardian of the property of the minor, shall receive no compensation for his services but shall be entitled to reimbursement from the property held by him as custodian for the reasonable expenses incurred in the performance of his duties hereunder. A guardian of the property of the minor, when acting as custodian under the authority of this Act, may receive such additional compensation for his services as guardian as he would be entitled to receive if the property held by him as custodian hereunder were held by him in his capacity as guardian, in addition to the other property of the minor held by him in that capacity.

Section 4. A custodian who is not compensated for acting as such shall be under no obligation to give bond for the faithful performance of his duties and shall not be liable for any losses to the property held by him except such as are the result of his bad faith or intentional wrongdoing or result from his investing the minor's property in a manner other than as prescribed in subsection 2(b) of this Act.

Section 5. A custodian may resign by (a) executing and duly acknowledging an instrument of resignation designating a successor custodian who is an adult member of the minor's family or a guardian of the minor, (b) delivering such instrument to the successor custodian, (c) causing securities, if in registered form, to be registered in the name of the successor custodian as such, and (d) delivering to the successor custodian such securities so registered together with all other property held by him as custodian. In the alternative, the custodian may petition the county court for permission to resign and for the appointment of a sucessor custodian.

Section 6. In the event of the death or incapacity of the custodian before the minor attains the age of twenty-one (21) years, and

(a) if there is a duly appointed and acting general guardian of the property of the minor, he shall become the successor custodian, but

(b) if there is no duly appointed and acting general guardian of the property of the minor, and

i. if the minor has attained the age of fourteen (14) years, he may designate in writing an adult member of the minor's family or a guardian of the minor as successor custodian, or

ii. if the minor has not attained the age of fourteen (14) years, the successor custodian shall be the adult member of the minor's family or a guardian of the minor, designated by will or duly acknowledged instrument of appointment executed by the last acting custodian. If no such designation is made by the last acting custodian, his legal representative may designate in writing an adult member of the minor's family or a guardian of the minor a successor custodian.

Section 7. At any time or times when there is no duly acting custodian the legal representative of the last acting custodian or any adult member of the minor's family or a guardian of the minor may petition the county court for the appointment of a successor custodian.

Section 8. Any successor custodian shall have all the rights, powers and duties of a custodian under the authority of this Act.

Section 9. The custodian shall not be required to account to the minor or to any other person for his acts and proceedings unless the minor, a parent of the minor, the legal representative of the minor or a successor custodian shall petition the county court for such an accounting no later than one year after the minor attains the age of twenty-one years or dies before attaining the age of twenty-one years.

Section 10. (a) The term "security" as used in this section means any note, stock, bond, debenture, evidence of indebtedness, collateral trust certificate, transferable share, voting trust certificate, certificate of deposit for a security or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation, in temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing.

(b) A security is in "registered form" when its terms specify a person entitled to the security or to the rights it evidences and specify that its transfer may be registered upon books maintained for that purpose by or on behalf of an issuer.

(c) A security is in "bearer form" when it runs to bearer according to its terms and not by reason of any endorsement.

(d) The term "member of the minor's family" as used in this Act means the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption.

(e) The term "legal representative" as used in this Act means, as may be appropriate in the circumstances, the executor, administrator, general guardian, or committee /conservator/ of the property of the person to whose legal representative reference is made.

(f) A gift made under authority of this Act to a guardian of the minor as custodian shall be deemed to have satisfied the requirements of this Act if the person to whom delivery has been made is either guardian of the person or guardian of the property of the minor, duly appointed in the Commonwealth of Kentucky or in the state, territory or county where the minor was domiciled at the time of the delivery of the gift.

Section 11. This Act shall not be construed as providing an exclusive method for making gifts of securities to minors.

SB 98: AN ACT relating to workmen's compensation. This Act shall be known as the Senator Merlin B. Fields Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 342.005 of the Kentucky Revised Statutes is amended to read as follows:

(1) This Act shall apply to all employers having three or more employes regularly engaged in the same occupation or business, and to their employes, except that it shall not apply to domestic employment, agriculture, steam railways, or such common carriers other than steam railways for which a rule of liability is provided by the laws of the United States; provided, however, it shall apply to the operators of threshing machines used in threshing or hulling grain or seeds. It shall affect the liability of the employers subject thereto to their employes for a traumatic personal injury sustained by the employe by accident, and for disability resulting from occupational diseases as defined in this Act, arising out of and in the course of his employment, or for death resulting from such accidental injury or occupational disease; provided, however, that "traumatic personal injury by accident" as herein defined shall not include diseases except where the disease is the natural and direct result of a traumatic injury by accident nor shall it include the results of a pre-existing disease, whether previously disabling or not, but shall include injury or death due to inhalation in mines of noxious gases or smoke, commonly known as "bad air," and also shall include injuries or death due to the inhalation of any kind of gas, and shall also include occupational disease as defined in this Act. Any employers and employes who are by the provisions of this section excepted from

the provisions of this Act, including employers having less than three employes, may subject themselves thereto by joint voluntary application to the Board, in writing, for such period as may be stated in the application, which shall be irrevocable during such period and effective thereafter until a revocation be filed with the Board or the employment be terminated.

Section 2. Section 342.015 of the Kentucky Revised Statutes is amended to read as follows:

(1) Where at the time of the injury both employer and employe have elected to furnish or accept compensation under the provisions of this Act for a traumatic personal injury, received by an employe by accident and arising out of and in the course of his employment, or for death resulting from such injury, within two years thereafter, or for disability or death resulting from occupational disease as defined in this Act, the employer shall be liable to provide and pay compensation under the provisions of this Act and shall, except as provided in subsection (2) of this section and in KRS 342.170, be released from all other liability.

(2) If injury or death results to an employe through the deliberate intention of his employer to produce such injury or death, the employe or his dependent as herein defined shall receive the amount provided in this chapter in a lump sum to be used, if desired, to prosecute the employer. The dependents may bring suit against the employer for any amount they desire. If injury or death results to an employe through the deliberate intention of his employer to produce such injury or death, the employe or his dependents may take under this Act, or in lieu thereof, have a cause of action at law against the employer as if this Act, had not been passed, for such damage so sustained by the employe, his dependents or personal representatives as is recoverable at law. If a suit is brought under this section, all right to compensation under this Act shall thereby be waived as to all persons. If a claim is made for the payment of compensation or any other benefit provided by this Act, all rights to sue the employer for damages on account of such injury or death shall be waived as to all persons.

(3) No employee or dependent of any employe may receive compensation on account of any injury to or death of an employe caused by a willful, self-inflicted injury, willful misconduct or intoxication of such employe.

(4) "Willful conduct" as used in this section, when relating to occupational diseases, shall include:

(a) Failure or omission on the part of an employe to observe rules and recommendations adopted by the employer and approved by the Workmen's Compensation Board and kept posted in a conspicuous place in and about the plant;

(b) Failure or omission on the part of an employe truthfully to state to the best of his knowledge in answer to inquiry made by the employer the place, duration, and nature of previous employment;

(c) Failure and omission on the part of an employe truthfully to furnish to the best of his knowledge in answer to an inquiry made by the employer full information about the previous status of his health, habits, and medical attention that he or his blood relatives may have received;

(d) Failure to submit to medical examination to determine his physical condition with reference to occupational diseases when ordered by the board, or evasion or obstruction of such examination.

Section 3. Section 342.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) In addition to all other compensation provided in this Act, the employer shall furnish for the cure and relief from the effects of an injury or occupational disease, such medical, surgical and hospital treatment, including nursing, medical and surgical supplies and appliances, as may reasonably be required at the time of the injury and thereafter during disability,/or as may be required for the cure and treatment of an occupational disease, but not exceeding a total expense to the employer of more than twenty-five hundred dollars. If the employer fails to furnish such treatment reasonably, he shall be liable for the reasonable expense, within the limits of this section, incurred by or on behalf of the employe in providing such treatments. In an emergency, the employe may call in any available physician or surgeon to administer any first aid reasonably necessary at the expense of the employer within the limits of this section. The board, in its discretion, may apportion payments to be made under this section between hospitals and physicians in cases where their aggregate fees and charges would exceed the maximum for which the employer is liable.

(2) Where a compensable injury or occupational disease results in the amputation of an arm, hand, leg or foot, or the loss of hearing, or the enucleation of an eye or the loss of natural teeth, the employer shall initially furnish in addition to other medical, surgical and hospital treatment enumerated in subsection (1) of this section, a modern artificial member, and where required, proper braces but the employer's liability for such artificial member or braces shall not including his liability for medical, surgical and hospital treatment exceed twenty-five hundred dollars.

Section 4. Section 342.040 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 342.020 and 342.030 no compensation shall be payable for the first seven days of disability unless disability continues for a period of more than two weeks in which case compensation shall be allowed from the first day of disability. All compensation shall be payable on the regular pay day of the employer, commencing with the first regular 'pay day after seven days after the injury or disability resulting from an occupational disease, with interest at the rate of six percent per annum on each installment from the time it is due until paid.

Section 5. Section 342.070 of the Kentucky Revised Statutes is amended to read as follows:

If death should result within two years from an accident for which compensation is payable under this Act, or from an occupational disease, the employer or his insurer shall pay to the person entitled to compensation, or, if none, then to the personal representative of the deceased employe, reasonable burial expenses of a person of the standard of living of the deceased, not to exceed the sum of $300, and shall also pay to or for the following persons compensation as follows:

(1) If there are one or more wholly dependent persons, 65 percent of the average weekly earnings of the deceased mploye, but not to exceed $30 nor less than $12 per week shall be payable, all such payments to be made for the period between the date of death and 400 weeks after the date of accident to the employe or after the date his disability from an occupational disease began, or until the intervening termination of dependency, but in no case to exceed the maximum sum of $12,000.

(2) (a) If there are partly dependent persons, the payments shall be such part of what would be payable for total dependency as the partial dependency existing at the time of the accident or after the date his disability from an occupational disease began to the employe is proportionate to total dependency, and all such payments to be made for the period between the date of death and 400 weeks after the date of the accident to the deceased employe, or after the date his disability from an occupational disease began, or until the intervening termination of dependency, but in no case to exceed in the aggergate of compensation on account of such death the maximum sum of $12,000.

(b) Partial dependency shall be determined by the proportion of the earnings of the employe which have been contributed to such partial dependent during one year next preceding the date of injury or after the date his disability from an occupational disease began; if the relation of partial dependency did not exist for one year next preceding the date of injury, the board shall consider all the facts and circumstances and fix such proportion as is fair and reasonable thereunder.

(3) All relations of dependency referred to in this section shall mean dependency existing at the time of the accident to the employe or at the time his disability from an occupational disease began.

(4) If death occurs as a result of the injury or an occupational disease after a period of total or partial disability, the period of

disability shall be deducted from the total period of compensation and the benefits paid thereunder from the maximum allowed for death by this section.

Section 6. Section 342.095 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the injury or occupational disease causes total disability for work, the employer, during such disability, except the first seven days thereof, shall pay the employe a weekly compensation equal to 65 percent of his average weekly earnings, not to exceed $32 nor less than $12 per week, such payments to be made during the period of total disability but not longer than 425 weeks after the date of the injury, or after the date his disability from an occupational disease began, nor in any case to exceed a maximum sum of $13,600. If the period of total disability begins after a period of partial disability, the period of partial disability shall be deducted from the total period of 425 weeks during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of $13,600.

(2) In case of the following injuries or disabilities from occupational disease the disability shall be considered total and permanent:

(a) The total permanent loss of sight in both eyes.

(b) The loss of both feet at or above the ankle.

(c) The loss of both hands at or above the wrist.

(d) A smiliar loss of one hand and one foot.

(e) A similar loss of one hand and one eye.

(f) A similar loss of one foot and one eye.

(g) A disability to the spine, resulting in permanent and complete paralysis of both arms or both legs, or of one arm and one leg.

(h) A disability to the skull resulting in incurable insanity or imbecility.

(3) The enumeration in subsection (2) is not exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries or disability resulting from an occupational disease have resulted in permanent total disability.

Section 7. Section 342.100 of the Kentucky Revised Statutes is amended to read as follows:

In case of an injury or disability from an occupational disease resulting in temporary partial disability, the employe shall receive during such disability, except the first seven days thereof, a weekly compensation equal to 65 percent of the difference between his average weekly earnings before the injury or disability from an occupational disease and the average weekly earnings that he earns, or is able to earn, in some suitable employment during such disability, not to exceed 400 weeks from the date of injury, or from the date his disability from an occupational disease began, nor exceeding the sum of $27 per week nor the maximum sum of $9,500. If partial disability follows a period of total disability, the period of total disability shall be deducted from the maximum period allowed for partial disability.

Section 8. Section 342.105 of the Kentucky Revised Statutes is amended to read as follows:

For injuries or disabilities from an occupational disease enumerated in the following schedule the employe shall receive, in addition to temporary total disability compensation for the period of actual total disability, not exceeding 20 weeks, a weekly compensation equal to 65 percent of his average weekly earnings, but not less than $12 per week nor exceeding $26 per week for the periods stated thereon:

(1) For the loss of a thumb, 65 percent of the average weekly wages during 60 weeks.

(2) For the loss of a first finger, commonly called the index finger, 65 percent of the average weekly wages during 45 weeks.

(3) For the loss of a second finger, 65 percent of the average weekly wages during 30 weeks.

(4) For the loss of a third finger, 65 percent of the average weekly wages during 20 weeks.

(5) For the loss of a fourth finger, commonly known as the little finger, 65 percent of the average weekly wages during 15 weeks.

(6) The loss of the second, or distal phalange, of the thumb shall be considered to be equal to the loss of one-half of the thumb, the loss of more than one-half of the thumb shall be considered squal to the loss of the whole thumb.

(7) The loss of the third, or distal phalange of any finger shall be considered to be equal to the loss of one-third of the finger.

(8) The loss of the middle, or second phalange, of any finger shall be considered equal to the loss of two-thirds of the finger.

(9) The loss of more than the middle and distal phalanges of any finger shall be considered equal to the loss of the whole finger, but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

(10) For the loss of a metacarpal bone (bone of the palm) for the corresponding thumb, finger or fingers above add 10 weeks to the number of weeks as above.

(11) For anklyosis (total stiffness of) or contractures (due to sears or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

(12) For the loss of a hand, 65 percent of the average weekly wages during 150 weeks.

(13) For the loss of an arm, 65 percent of the average weekly wages during 200 weeks.

(14) For the loss of one of the toes, other than the great toe, 65 percent of the average weekly wages during 10 weeks.

(15) For the loss of the great toe, 65 percent of the average weekly wages during 30 weeks.

(16) The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

(17) The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe.

(18) For the loss of a foot, 65 percent of the average weekly wages during 125 weeks.

(19) For the loss of a leg, 65 percent of the average weekly wages during 200 weeks.

(20) For the total and permanent loss of the sight of an eye, 65 percent of the average weekly wages during 100 weeks, plus an additional 20 weeks in cases where the eye ball is enucleated.

(21) For the total and permanent loss of hearing in one ear, 65 percent of the average weekly wages during 75 weeks.

Section 9. Section 342.110 of the Kentucky Revised Statutes is amended to read as follows:

In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injuries employe, or employe disabled by an occupational disease, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employe and age at the time of injury or at the time the disability from an occupational disease began. In no event shall compensation for an injury or disability to a member exceed the amount allowable for the loss of such member. The compensation paid therefor shall be 65 percent of the average weekly earnings of the employe but not less than $12 nor more than $27, multipled by the percentage of disability caused by the injury or occupational disease, for such period as the board determines, not exceeding 400 weeks nor a maximum sum of $10,800. Compensation payable under this section shall not be affected by the earnings of the employe after the accident, or after his disability from an occupational disease, whether they be the same, or greater, or less than prior to the accident or disability from an occupational disease. Whenever the weekly payments under this section would be less than $12 per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in KRS 342.020 and 342.030, is paid under any other provision of this Act, the period during which such other compensation is paid shall be deducted from the maximum period which may be paid under this section.

Section 10. Section 342.111 of the Kentucky Revised Statutes is amended to read as follows:

(1) When an employe, who has been awarded disability compensation by the Workmen's Compensation Board, shall die as a result of such injury or occupational disease prior to the payment to him of the amount of the award, then the dependents of the deceased employe shall be allowed and paid all allowed and unpaid awards made to such employe. Provided, however, that the dependents of such deceased employe shall, within six months after the death of such employe, file with the Workmen's Compensation Board, in such form as the board may require, a written verified application, stating therein the date of the death of such deceased employe; the amount of such allowed and uncollected award; the name, age, postoffice address, and the relation of each of said dependents to the deceased. Thereupon the Workmen's Compensation Board shall notify in writing the company, person or insurance carrier against whom such award was made; and shall fix a time and place for a hearing, of which notice shall be given, to determine the dependency of those making such claim; and shall make an award or order for the benefit of those found to be entitled thereto. Provided, however, that the number of weekly payments to be paid to the dependents shall be the number of weeks remaining after deducting the number of weekly payments made to the decedent from the number of weeks allowed in the original award.

(2) The total amount paid and payable to the decedent and his dependents shall not exceed the amount now payable for death at the average weekly wage of the decedent at the time of his injury, and the weekly payments to the dependents shall not exceed the sum of $15 a week.

Section 11. Section 342.315 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board, or any member thereof, may, upon the application of either party or upon its own motion, appoint not more than three disinterested and duly qualified physicians or surgeons to make any necessary medical examination of the employe and to testify in respect thereto. Such physicians or surgeons shall file with the board within fifteen days after such examination their joint report in writing. The physicians or surgeons shall be allowed a reasonable fee to be fixed by the board and paid out of the Maintenance Fund, not exceeding seventy-five dollars for each examination and report, except that the board may allow additional reasonable amounts in extra-ordinary cases and the reasonable cost of X-rays, if any; the board may in its discretion allow a fee not in excess of twenty-five dollars for any deposition given by such physicians or surgeons.

(2) The party filing the motion for an examination shall pay the necessary and reasonable traveling expenses incurred by the employe in submitting to such examination. If the examination is ordered on the board's own motion, then such traveling expenses shall be paid out of the Maintenance Fund.

Section 12. Section 342.316 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Occupational Disease" as used in this Act means a disease arising out of and in the course of the employment. Ordinary diseases of life to which the general public is equally exposed outside of the employment shall not be compensable, except where such diseases follow as an incident of an occupational disease as defined in this section.

(a) A disease shall be deemed to arise out of the employment only if there is apparent to the rational mind, upon consideration of all the circumstances, a direct casual connection between the conditions under which the work is performed and the occupational disease, and which can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment and which can be fairly traced to the employment as the proximate cause, and which does not come from a hazard to which workmen would have been equally exposed outside of the employment. The disease shall be incidental to the character of the business and not independent of the relationship of employer and employe. The disease need not have been forseen or expected but, after its contraction, it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

(b) "Injurious exposure" as used in this section shall mean that exposure to occupational hazard which would, independently of any other cause whatsoever, produce or cause the disease for which claim is made.

(2) The procedure with respect to the giving of notice of disability or death, and as to the filing of claims and determination thereof in occupational disease cases and the compensation and medical benefits payable for disability or death due to such disease shall be the same as in cases of accidental injury or death under the general provisions of this Act, except that notice of disability shall be given to the employer as soon as practicable after the employe first experiences a distinct manifestation of an occupational disease in the form of symptoms reasonably sufficient to apprise him that he has contracted such disease, or a diagnosis of such disease is first communicated to him, whichever shall first occur.

(3) The right to compensation under this Act for disability resulting from an occupational disease shall be forever barred unless a claim is filed with the Workmen's Compensation Board within one year after the last injurious exposure to the occupational hazard or after the employe first experiences a distinct manifestation of an occupational disease in the form of symptoms reasonably sufficient to apprise him that he has contracted the disease, whichever shall last occur; and if death results from the occupational disease within said period, unless a claim therefor be filed with the Workmen's Com-

pensation Board within one year after such death; provided, however, that notice of such claim shall be deemed waived in case of disability or death where the employer, or his insurance carrier, voluntarily makes payment therefor, or, if the incurrence of the disease or the death of the employe, and its cause was known to the employer; and provided further, that where compensation has been paid or awarded, whether for disability or death from an occupational disease, and the payments have been discontinued, the claim for further compensation shall be made within one year after the last payment of compensation.

(4) In claims for compensation due to the occupational disease of silicosis it must be shown that the employe was exposed to the hazards of the disease in his employment within this state for at least two years before his disability or death.

(5) The amount of compensation payable for disability due to occupational disease or for death from such disease, and the time and manner of its payment, shall be the same as provided for accidental injury or death under the general provisions of the Workmen's Compensation Act, but in no event to exceed such amounts, and, provided further, that the time of the beginning of compensation payments shall be the date of the employe's last injurious exposure to the cause of the disease, or the date of actual disability, whichever is later, and provided further, that in case of death where the employe has been awarded compensation or made timely claim within the period provided for in this section, an employe has suffered continuous disability to the date of his death occurring at any time within ten years from the date of disability, his dependents, if any, shall be awarded compensation for his death as provided for under the general provisions of the Workmen's Compensation Act and in this section.

(6) In case of disability or death from silicosis, an occupational disease, complicated with tuberculosis of the lungs, compensation shall be payable as for uncomplicated silicosis, provided, however, that silicosis was an essential factor in causing such disability or death.

(7) If an autopsy has been performed, no testimony relative thereto shall be competent unless the employer or his representative and a representative of the deceased employe shall have participated therein or been given reasonable opportunity to do so.

(8) No compensation shall be payable for occupational disease if the employe at the time of entering the employment employer by whom compensation would otherwise be payable, falsely represented himself, in writing, as not having been previously disabled, laid off, or compensated in damages or otherwise, because of such disease, or failed or omitted truthfully to state to the best of his knowledge, in answer to written inquiry made by the employer, the place, duration and nature of previous employment, or, to the best of his knowledge, the previous state of his health.

(9) Where an occupational disease is aggravated by other disease or infirmity not itself compensable, or where disability or death

from any other cause, not itself compensable is aggravated, prolonged, accelerated or in anywise contributed to by occupational disease the compensation payable shall be reduced and limited to such proportion only of the compensation that would be payable if occupational disease were the sole cause of the disability or death as such occupational disease, as a causative factor, bears to all causes of such disability or death, such reduction in compensation to be effected by reducing the number of weekly or monthly payments or the amount of such payments as under the circumstances of the particular case may be for the best interests of the claimant or claimants.

(10) No compensation for death from occupational disease shall be payable to any person whose relationship to the deceased, which, under the provisions of this Act would give right to compensation, arose, subsequent to the beginning of the first compensable disability, save only to after-born children or a marriage existing at the beginning of such disability.

(11) Whenever any claimant misconceives his remedy and files an application for adjustment of claim under the general provisions of this Act and it is subsequently discovered, at any time before the final disposition of such cause, that the claim for injury, disability or death which was the basis for such application should properly have been made under the provisions of this section, then the application so filed may be amended in form or substance, or both, to assert a claim for such injury, disability or death under the provisions of this section, and it shall be deemed to have been so filed as amended on the date of the original filing thereof, and such compensation may be awarded as is warranted by the whole evidence pursuant to the provisions of this Act. When such amendment is submitted, further or additional evidence may be heard by the board when deemed necessary. Nothing this section contains shall be construed to be or permit a waiver of any of the provisions of this Act with reference to notice of time for filing a claim, but notice of filing a claim, if given or done, shall be deemed to be a notice of filing a claim under provisions of this Act, if given or done within the time required herein.

(12) When an employe has an occupational disease that is covered by this Act, the employer in whose employment he was last injuriously exposed to the hazard of the disease, and the employer's insurance carrier, if any, at the time of the exposure, shall alone be liable therefor, without right to contribution from any prior employer or insurance carrier.

Section 13. Section 342.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) All fees of attorneys and physicians, and all charges of hospitals under this chapter, shall be subject to the approval of the board. No attorney fees shall be allowed or approved against any party not represented by said attorney, nor shall any attorney fee be allowed

or approved exceeding an amount equal to 20% of the amount recovered. The board may reduce the attorney's fee to an amount commensurate with the services performed, or may deny or reduce an attorney's fee upon proof of solicitation of employment.

(2) The entire attorney's fee in a lump sum shall be paid directly to the attorney of record, and the board in allowing or approving an attorney's fee, as provided in this section, shall order the payment of same directly to the attorney, commuting sufficient of the final payments of compensation payable under the award to a lump sum for that purpose.

Section 14. Section 342.395 of the Kentucky Revised Statutes is amended to read as follows:

In the event an employer elects to operate under this Act, then every employe of such employer, as a part of his contract of hiring or who may be employed at the time of the acceptance of the provisions of this Act by such employer, shall be deemed to have accepted all the provisions of this Act and shall be bound thereby unless he shall have filed, prior to the injury or incurrence of occupational disease, written notice to the contrary with the employer; and such acceptance shall include all of the provisions of this Act with respect to traumatic personal injury, silicosis and any other occupational disease.

Until such notice to the contrary is so given to the employer, the measure of liability of such employer shall be determined according to the compensation provisions of this Act. Any such employe, may, without prejudice to any existing right or claim, withdraw his election to reject this Act by filing with the employer a written notice of withdrawal, stating the date when the withdrawal is to become effective. Following the filing of such notice, the status of the party withdrawing shall become the same as if the former election to reject this Act had not been made, except that withdrawal shall not be effective as to any injury sustained or disease incurred less than one week after the notice is filed.

Section 15. Section 342.215 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Workmen's Compensation Board shall consist of five members appointed by the Governor and shall be a part of the Department of Industrial Relations.

(2) Each member of the board shall hold office for four years and until his successor is appointed and qualified. Upon the expiration of the term of any member, his successor shall be appointed for a full term of four years. Vacancies shall be filled by appointment for the unexpired term.

(3) The Governor shall designate a member of the board to serve as chairman for a term of four years. Any vacancy in the chairmanship shall be filled by the Governor.

Section 16. Section 342.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each member of the board shall take the oath prescribed by Section 228 of the Constitution.

(2) The salaries of the members of the board shall be set by the Governor in accord with the provisions of KRS 64.640.

Section 17. This Act shall become effective August 1, 1956.

SB 104: AN ACT relating to Income Taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In addition to the standard deduction provided for in section 141.081 of the Kentucky Revised Statutes or itemized deductions now authorized by Kentucky Revised Statutes or Administrative Regulations of the Department of Revenue a taxpayer reporting income as prescribed by Chapter 141 of the Kentucky Revised Statutes shall be allowed, in determining his net income for purposes of taxation, a deduction, for contributions made for political purposes, in an amount not to exceed one hundred dollars. The department may require proof of the validity of such claims for deduction.

SB 116: AN ACT relating to loan and investment companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 291.120 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Any five or more persons may organize a loan and investment company in cities of the first, second, third and fifth class upon the terms and conditions and subject to the liabilities prescribed in KRS 291.129 to 291.160.

"(2) The name of the company shall not contain the word "bank". It shall not be necessary for any such company to use the word "incorporated" in addition to its corporate name, either in its place of business or on any printed or advertising matter.

"(3) The capital stock of any such loan and investment company shall not be less than $25,000 if located in a city of the first, second or third class or less than $12,500 if located in a city of the fifth class. Fifty percent of the capital stock shall be paid in cash before the company may transact any business other than that relating to its formation and organization, and the remainder of the capital stock shall be paid in in money within one year after the company is authorized to commence business at such times and in such amounts as the directors require."

SB 168: AN ACT relating to residence requirements of persons offering to vote.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 117.610 of the Kentucky Revised Statutes is amended to read as follows:

The following rules, so far as applicable, shall be observed in determining the residence of a person offering to vote:

(1) A voter's residence shall be deemed to be at the place where his habitation is, and to which, when absent, he has the intention of returning;

(2) A voter shall not lose his residence by absence for temporary purposes merely; or shall he obtain a residence by being in a county or precinct for such temporary purposes, without the intention of making that county or precinct his home;

(3) A voter shall lose his residence by removal to another state or county with intention to make his permanent residence there, or by removal to and residence in another state, with intention to reside there an indefinite time, or by voting there, even though he may have had the intention to return to this state at some future period;

(4) The place where the family of a married man resides shall generally be considered his residence, unless the family so resides for a temporary purpose. If his family is permanently in one place, and he transacts his business in another, the former shall be his residence.

Nothing herein shall be construed to change the residence of any person who is a member of the armed services of the United States, any person attending school or college or working away from his home temporarily, or any state officer who comes within the provisions of KRS 61.110, unless such person has voted in a place other than his home precinct or has evidenced his intention of not returning to his place of residence.

SB 194: AN ACT relating to the promotion of agriculture and horticulture.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 247.120 of the Kentucky Revised Statutes is amended to read as follows:

The members of the State Fair Board shall be allowed their necessary traveling and hotel expenses, and shall be allowed $25.00 per day for attending the meetings of the State Fair Board, which shall not exceed ninety-six in number in any one year, and for services rendered in carrying on the State Fair.

SB 200: AN ACT relating to offenses against public health and safety.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 438.100 of the Kentucky Revised Statutes is amended to read as follows:

As used in this Act, "fireworks" means and includes any combustible or explosive composition, or any substance or combination of substances, or article, prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include but not limited to blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, fire crackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device contaning any explosive substance. The term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for use, and toy pistol paper caps which contain less than twenty-hundredths grains of exposive mixture, the sale and use of which shall be permitted at all times.

"Sell at retail" means any sale other than a sale to a dealer, or merchant for resale.

"Wholesale" means any sale other than a retail sale, or sale to a consumer.

"Dealer" means a person who sells at retail or wholesale or offers or exposes for sale at retail or wholesale any fireworks.

Section 2. Section 438.110 of the Kentucky Revised Statutes is amended to read as follows:

No person, firm, co-partnership or corporation shall sell at retail or wholesale, or offer, advertise or expose for sale at retail or wholesale, or use or explode any fireworks within this state provided, however, that in cities the Chief of the fire department, or mayor or similar official, when there is no fire department, and in counties outside of cities, the county judge, shall have power to grant permits for supervised, public displays of fireworks by municipalities, fair association, amusement parks and other organizations or group of individuals. Every such display shall be handled by a competent operator to be approved by the pubilc official by whom the permit is granted, and shall be of such character, and so located, discharged or fired as in the opinion of such official, after proper inspection, shall not be hazardous to property or endanger any person. Application for permits shall be made in writing at least fifteen days in advance of the date of the display. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferrable.

SB 204: AN ACT relating to the operation of a combined electric and water system by a city of the third class, amended and reenacting Section 196.176 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 96.176 of the Kentucky Revised Statutes be, and it is amended to read as follows:

(1) Upon and after a board has been appointed and qualified, the said board shall have charge of the exclusive supervision, management and control of the operation, maintenance and extension of the electric and water plant.

(2) All powers of the municipality to operate, maintain, improve and extend, and to furnish electric and water service, shall be exercised on behalf of the municipality by the board. The board shall employ all employees, fix their duties and compensation, and shall determine programs and make all determinations as to the operation, maintenance, improvement and extension of the electric and water plant, shall determine and fix the rates to be charged for the classes of service rendered, shall determine all financial practices, shall establish rules and regulations such as it deems necessary or appropriate to govern the operation of the plant and the furnishing of electric and water service, and shall collect all moneys from the operation, maintenance, improvement and extension of the electric and water plant and the furnishing of electric and water service and disburse same in the manner and for the purposes hereinafter provided.

(3) The board in the operation of such system may, in its discretion, engage the services of a professional engineer, qualified by education, training and experience in the operation, maintenance, improvement and extension of electric and water systems, as supervising engineer, upon terms and conditions of service such as may be satisfactory to the board. The employment of any such engineer shall be by written contract, which shall specify the services to be rendered by such person, and the compensation to be paid. Any such contract may be terminated upon sixty days notice by either party. The board may, in its discretion, require of such person so engaged a bond, in a sum to be determined and approved by the board, conditioned upon his faithful performance of the services to be rendered by him under and by virtue of such employment. A copy of any such contract shall be filed in the office of the city clerk.

(4) A copy of the schedule of the current rates and charges in effect from time to time, and a copy of all rules and regulations of the board relating to electric and water service shall be kept on public file at the main and all branch offices of the Electric and Water Plant Board and also in the office of the municipal clerk.

(5) All contracts shall be let by the board, and all contracts for the purchase of materials, equipment and supplies in excess of one thousand dollars shall be let only after competitive bidding; provided, however, when any materials, equipment or supplies be not available in the open market, such materials, equipment and supplies may be purchased without competitive bidding. All contracts shall be in the corporate name of the board, and shall be signed by the chairman or vice chairman of the board, and attested by the secretary or treasurer of the board. The board shall make and keep or cause to be made and kept full and proper books and records.

Section 2. All laws or parts of laws in conflict herewith or to the extent of such conflict are hereby repealed.

SB 208: AN ACT relating to civil practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 425.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person in whose favor a final judgment in personam has been entered in any court of record of this state may, upon filing affidavit in the office of the clerk of the court in which the judgment was entered, and in the same cause in which said judgment was obtained showing the date of the judgment and the amount due thereon, and that one or more named persons hold property belonging to, or are indebted to, the judgment debtor, obtain an order of garnishment directed to the sheriff, with as many copies as the plaintiff may direct, requiring him to summon the garnishees named in the affidavit to answer in the manner and at the time required for an answer by the Rules of Civil Procedure, and to make due return thereof. The order shall be made returnable as an order of arrest is directed to be returned.

SB 209: AN ACT relating to partnerships.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 362.245 of the Kentucky Revised Statutes is amended to read as follows:

Partners shall render on demand true and full information on all things affecting the partnership to any partner or to the legal representative of any deceased partner or partner under legal disability.

SB 210: AN ACT relating to sheriffs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The provisions of KRS 64.050 shall apply to sheriffs in counties containing a population of 75,000 or over the same as they apply to circuit clerks and county clerks.

SB 211: AN ACT relating to the Kentucky Revised Statutes, amending certain sections in order to provide uniformity and repealing obsolete provisions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (1) of Section 64.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the term of any circuit clerk or county clerk of any county having a population of 75,000 or over expires, or he dies or resigns, or is removed from office, he or his personal representative, trustee or committee, as the case may be, shall at once deliver to his successor in office all accounts, claims and fees due him in his official capacity. The successor shall have such fees, claims and accounts collected, or the Department of Finance may, in its discretion, when said accounts, fees and claims are so delivered to the successor, appoint a person to collect them. If a collector is appointed, the successor shall at once, or when demanded by the collector, deliver to him all accounts, fees and claims uncollected. The successor or collector, as the case may be, shall, every sixty days after receiving such accounts, fees and claims, report to the Department of Finance, under oath, the amount collected thereon, and at the same time pay to the Department of Finance the amount so collected, and shall continue to so report for three years, unless the accounts, fees and claims are sooner collected.

Section 2. Subsection (1) of Section 64.420 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in KRS 64.050 and is made applicable to sheriffs by law, if any officer dies before making out a fee-bill or collecting his fees, his deputy, or, if none, his personal representative, may, within two years after the services were rendered, make out and sign a fee-bill therefor, and may list the fee-bill in due time for collection with the proper officer, and the fee-bill shall be collectible and distrainable as if issued by the deceased officer in his lifetime.

Section 3. Subsection (2) of Section 64.655 of the Kentucky Revised Statutes is amended to read as follows:

(2) The Division of Personnel in the Department of Finance may, upon the recommendation of the hiring authority and with the approval of the Governor, establish rates of compensation and maintenance within the constitutional limit for each position requiring the services of a qualifed physician in any department, agency, or other unit of state government. Such rates shall be based upon studies of the duties and responsibilities of the positions and upon a comparison with rates being paid for similar or comparable services elsewhere.

Section 4. Subsection (1) of Section 64.990 of the Kentucky Revised Statutes is repealed.

Section 5. Subsection (2) of Section 68.990 of the Kentucky Revised Statutes is amended to read as follows:

(2) The fiscal court and each member thereof that fails or refuses to comply with any of the provisions of KRS 68.080 shall be fined fifty dollars for each offense.

Section 6. Subsection (4) of Section 86.090 of the Kentucky Revised Statutes is amended to read as follows:

(4) Immediately after the adjournment of each meeting of the council, the clerk of the council shall have every ordinance passed at the meeting, except ordinances enacted under KRS 80.280, published at least once in some newspaper published in the city, or by handbills. The publication directed by this subsection shall be made before the ordinance is enforced. The clerk shall preserve a copy of each published ordinance.

Section 7. Subsection (1) of Section 89.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates subsection (4) of KRS 89.460 shall be fined not more than two hundred dollars.

Section 8. Subsection (2) of KRS 95.990 of the Kentucky Revised Statutes is repealed.

Section 9. Section 98.150 of the Kentucky Revised Statutes is amended to read as follows:

When the commission decides that any building or improvement, or any distinct portion thereof, has been completed and is ready for actual use, the commission shall notify the department of the city that has charge of building or improvements of the character of the one completed, and such department shall thereafter have exclusive control of the building or improvement. Proior to that time the commission shall have sole supervision and control, notwithstanding, the provisions of KRS 93.060 and 98.010.

Section 10. Subsection (5) of Section 131.990 of the Kentucky Revised Statutes is amended to read as follows:

(5) Any person who fails to do any act required or does any act forbidden by KRS 131.210 or 131.220 shall be fined not less than ten dollars nor more than five hunderd dollars.

Section 11. Section 138.500 of the Kentucky Revised Statutes is amended to read as follows:

No suit shall be maintained in any court on any ground to restrain or delay the collection of the tax imposed by KRS 138.020, 138.140, 138.220 or 138.460. The aggrieved taxpayer shall pay the tax under protest as and when due, and may at any time within two years from the date of such payment sue the state through the Department of Finance, in an action in any state or Federal court having jurisdiction, for recovery of the tax so paid with interest thereon from the date of payment. If it is finally determined that the tax or any part thereof was wrongfully collected for any reason, the Department of Finance shall issue its warrant on the State Treasurer for the amount of tax adjudged to have been wrongfully collected, together with interest thereon. The State Treasurer shall pay the same at once in preference to other warrants or claims against the state. Such refunds of taxes paid under KRS 138.020 or 138.140 shall be paid out of the General Fund, and such refunds of taxes paid under KRS 138.220 or 138.460 shall be paid out of the Road Fund. Separate suits need not be filed for each separate payment made, but recovery may be had in one suit for all sums paid that are not barred by the limitation of two years imposed by this Section.

Section 12. Subsections (3), (10), (11), and (12) of Section 138.990 of the Kentucky Revised Statutes are repealed.

Section 13. Subsection (10) of Section 136.990 of the Kentucky Revised Statutes is repealed.

Section 14. Subsection (18) of Section 179.990 of the Kentucky Revised Statutes is amended to read as follows:

(18) If a fiscal or county court willfully fails to perform any duty required of it by the provisions of this Chapter, except KRS 179.230, 179.320 and 179.430, every member of the court concurring in the failure shall be fined not less than ten nor more than one hundred dollars by the circuit court of the county.

Section 15. Section 196.160 of the Kentucky Revised Statutes is amended to read as follows:

The commissioner shall appoint a superintendent, a receiver and other necessary employes for each of the state penal and correctional institutions, and for the state institutions for the feeble-minded, and shall fix their compensation, which may include maintenance, in accordance with the provisions of KRS 64.640.

Section 16. Subsection (2) of Section 210.020 of the Kentucky Revised Statutes is amended to read as follows:

(2) The compensation of the commissioner shall be fixed by the Governor, without regard to any limitation imposed by KRS 64.640. The compensation of other personnel of the department shall be fixed by the commissioner in accordance with KRS 64.640. The commissioner, the assistant commissioner, and the superintendents of the institutions operated by the department shall be allowed maintenance for themselves and family in addition to salary. Maintenance may be allowed to institutional employes in accordance with regulations prescribed by the Department of Finance under KRS 64.640.

Section 17. Subsection (7) of Section 405.990 of the Kentucky Revised Statutes is repealed.

Section 19. Subsection (2) of Section 439.100 of the Kentucky Revised Statutes is amended to read as follows:

(2) The Commissioner of Welfare shall, with the approval of the Governor, appoint a Parole Board consisting of seven members. One member shall be appointed as chairman of the board and serve full time at a salary set by the Commissioner. Excepting the chairman, each member shall receive compensation at the rate of fifteen dollars for each day that members serve at a meeting of the board. All members shall receive necessary travel and other expenses in going to, attending and returning from the meeting of the board. The appointment of members of the board shall be made without regard to political affiliation.

SB 214: AN ACT relating to the computation of time amending KRS 446.030.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 446.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) In camputing any period of time prescribed or allowed by the Rules of Civil Procedure, by order of court, or by any applicable statute, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Sundays or holidays shall be excluded in the computation.

(2) If any proceeding is directed by law to take place, or any act is directed to be done, on a particular day of a month and that day is Sunday, the proceeding shall take place, or the act shall be done, on the next day that is not a legal holiday.

SB 215: AN ACT relating to revenue bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (3) of Section 56.520 of the Kentucky Revised Statutes is amended to read as follows:

(3) All bonds which may be issued by the commission under the provisions of KRS 56.440 to 56.550 shall be sold to the highest bidder after having been duly advertised in a newspaper, or newspapers, of general circulation in the Commonwealth for at least once a week for three consecutive weeks, and by such advertising as the commission may prescribe if it finds additional advertising is necessary.

SB 217: AN ACT relating to jailers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 71.060 of the Kentucky Revised Statutes is amended to read as follows:

Any jailer may, with the approval of the county court, appoint one deputy. The jailer shall be liable on his official bond for the conduct of his deputy. The deputy shall have all the powers and be subject to the same penalties as the jailer. He may be removed at any time by the jailer.

SB 218: AN ACT relating to the public Service Commission, amending Sections 278.050, 278.060 and 278.120 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 278.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Public Service Commission shall consist of three members appointed by the Governor with the advice and consent of the Senate. If the Senate is not in session when a term expires or a vacancy occurs, the Governor shall make the appointment to take effect at once, subject to the approval of the Senate when convened. Each of the three members of said commission shall be appointed on or before March 1, 1956, for a term of four years and until a successor is appointed and qualified.

(2) The Governor shall appoint one of the commissioners to act as chairman of the commission.

(3) Vacancies for unexpired terms shall be filled in the same manner as original appointments, but the appointee shall hold only to the end of the unexpired term.

Section 2. Section 278.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each commissioner shall be a resident and qualified voter of this state, not less than twenty-five years of age at the time of his appointment and qualification, and shall have resided in this state for at least three years prior to his appointment and qualification. Not more than two of the commissioners shall be affiliated with the same political party. Each commissioner shall take and subscribe to the Constitutional oath of office, which shall be recorded in the office of the Secretary of State.

(2) No person shall be appointed to or hold the office of commissioner who holds any official relationship to any utility, or who owns any stocks or bonds thereof, or who has any pecuniary interest therein.

(3) No commissioner shall receive any rebate, pass, percentage of contract or other thing of value from any utility.

(4) No commissioner shall engage in any occupation or business inconsistent with his duties as such commissioner.

(5) If any commissioner becomes a member of any political party committee, his office as commissioner shall be thereby vacated.

Section 3. Section 278.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The chairman of the commission shall be paid a salary of ten thousand dollars per annum, and each of the other two members shall be paid a salary of seven thousand five hundred dollars per annum, said salaries to be paid monthly.

(2) The secretary of the commission shall be paid a salary to be fixed by the commission, with the approval of the Governor. The commission shall fix the compensation of all its other employes.

(3) The commissioners and the secretary and employes of the commission are entitled to all expenses, including hotel bills, incurred in traveling on business of the commission.

(4) The salaries and expenses provided for by this section, and all other expenses of the commisison incurred in the administration of this chapter, shall be paid out of the fund created under KRS 278.130.

Section 4. All acts, laws, and parts of acts and laws in conflict herewith, to the extent of such conflict, hereby are repealed.

Section 5. WHEREAS, it is deemed by the General Assembly that it is not necessary or in the public interest that the chairman or the members of the Public Service Commission be required to devote full time to the performance of their duties as chairman and members, respectively, of the Public Service Commission, and

WHEREAS, more capable and experienced men can be induced to serve as members of and as the chairman of the Public Service Commission if they are not required by law to devote their full time to the performance of the duties of such offices, and

WHEREAS, immediate consideration needs to be given to the reorganization and strengthening of the technical staff of the Public Service Commission, an emergency hereby is declared to exist, and this Act shall become effective immediately upon its passage and approval by the Governor.

SB 223: AN ACT relating to traffic regulations, vehicle equipment and storage.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act unless the context demands otherwise:

"Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels and including any similar device though it be equipped with two or more front or rear wheels.

"Highway" means any public road, street, avenue, alley or boulevard, bridge, viaduct or trestle and the approaches to them.

Section 2. In addition to other provisions of this Act every person riding upon a bicycle upon a highway shall be granted all the rights and shall be subject to all the traffic regulations applicable to the operators of motor vehicles, except those which by their nature can have no application.

Section 3 (a) No person shall ride a bicycle in any manner other than upon or astride a permanent and regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and for which regular and permanent type seats are provided.

Section 4. No person riding upon a bicycle shall attach the bicycle or himself to any vehicle upon the highway in any manner whatsoever.

Section 5 (a) Every person riding a bicycle upon a highway shall ride as near the left side of said highway as practicable, having his wheels at least three feet from the edge of the traveled surface, and shall exercise due care in passing any vehicle whether it be moving or motionless.

(b) The operator of a motor vehicle or other vehicle passing or about to pass a bicycle shall allow sufficient room for safe passage, staying a minimum of three feet from the nearest part of the bicycle or its rider, or riders. Said operator shall refrain from passing the bicycle until traffic conditions permit his passing safely and until he can do so without forcing the bicycle from the surface of the highway or approaching unduly close to the bicycle or its rider or riders.

(c) Every person operating a bicycle upon a highway shall give due warning by sounding a bell, horn or other device upon approaching a pedestrian. The operator of the bicycle shall yield the right of way to the pedestrian and shall refrain from passing the pedestrian until such can be accomplished without endangering the pedestrian or splattering mud or water upon said pedestrian if the highway surface is wet.

(d) Any person operating a bicycle who wishes to make a right turn at an intersection shall first proceed straight across the intersecting highway having due regard for traffic signals and traffic.

Upon crossing the intersecting highway such operator shall pause to ascertain if the way if clear; if there be a traffic signal he shall wait until it indicates he may proceed before he completes the turn.

(e) Persons riding bicycles on a highway shall not ride more than one abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles.

(f) Wherever a usable way for bicycles is available adjacent to a highway, bicycle riders shall use such way and not the highway.

(g) Any duly elected or appointed and acting municipal or county official having the power to regulate traffic may prohibit the operation of bicycles on any highways where in the opinion of the official, such operation may be unsafe, provided that such prohibition must be advertised by notices posted at frequent intervals along said highway.

(h) Any person operating a bicycle on a one way throughfare shall, at all times, face the traffic and keep to the left side of such thoroughfare.

Section 6. No person operating a bicycle shall transport any package, bundle or article which prevents such person from operating the bicycle in a safe and careful manner, nor shall any person operate a bicycle with less than one hand on the handlebars or steering mechanism.

Section 7. (a) Every bicycle shall be equipped with a minimum of one light, on the front, which light shall be white and shall be visible from a distance of at least five hundred feet to the front. Such light shall be of sufficient brilliance to reveal clearly substantial objects at a minimum of fifty feet ahead.

(b) Every bicycle shall be equipped with a red reflector on the rear, of a type approved by the Kentucky State Police, which shall reflect light from all distances up to three hundred feet to the rear, when directly in front of the lawful upper beams of head lamp on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector required by the provisions of this Act.

(c) No person shall operate a bicycle unless it is equipped with a bell, horn or other warning device audible for a minimum of one hundred feet provided that no bicycle shall be equipped with, nor shall any person use upon a bicycle any siren.

(d) Every bicycle shall be equipped with a brake or brakes which are capable of causing the braked wheels to skid on a dry, level, clean pavement when applied by the person operating the bicycle.

Section 8. Any city of the first three classes may enact ordinances requiring the licensing of bicycles owned by persons residing within the limits of such cities. Such licensing shall be conducted by the police departments, and may be indicated by the issuing of metal license plates, for which a fee of not more than one dollar may be collected as may be provided also by ordinance. The size and manner of display, of the plates may be regulated by city ordinance.

Section 9. Section 189.010 (12) of the Kentucky Revised Statutes is amended to read as follows:

"Vehicle" includes all agencies for the transportation of persons or property over or upon the public highways of this Commonwealth and all vehicles passing over or upon said highways, excepting bicycles, road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, such other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails, and such vehicles as are propelled by electric power obtained from overhead wires while being operated within any municipality or where said vehicles do not travel more than five miles beyond the city limits of any municipality. "Motor Vehicle" includes all vehicles as defined above which are propelled otherwise than by muscular power.

Section 10. Section 189.040 (11) of the Kentucky Revised Statutes is repealed.

Section 11. Section 189.080 (1) of the Kentucky Revised Statutes is amended to read as follows:

Every motor vehicle, when in use on a highway shall be equipped with a horn or other device capable of making an abrupt sound sufficiently loud to be heard under all ordinary traffic conditions. Every person operating an automobile shall sound the horn or sound device whenever necessary as a warning of the approach of such vehicle to pedestrians, or other vehicles, but shall not sound the horn or sound device unnecessarily.

Section 12. (a) Any person who violates any provision of this act shall be guilty of a misdemeanor and shall be fined not less than two nor more than twenty dollars.

(b) No parent of any child or guardian of any ward shall authorize or knowingly permit any such child or ward to violate any of the provisions of this Act.

(c) The provisions of this Act shall be applicable whenever a bicycle is operated upon any highway or any path provided for the operation of said bicycle subject to the applicable exceptions contained in this Act.

SB 234: AN ACT relating to good time deduction for prisoners and their conditional release.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Any person convicted and sentenced to a state penal institution may receive a credit on his sentence of not exceeding ten

days for each month served, to be determined by the Division of Corrections of the Department of Welfare from the conduct of the prisoner. The Department shall have the authority to forfeit any good time previously earned by the prisoner, if during the term of imprisonment a prisoner commits any offense or violates the rules of the institution.

(2) Any prisoner having served the term for which he has been sentenced for a crime committed after the effective date of this Act, less good time deductions, shall be conditionally released under supervision of the Division of Probation and Parole, subject to the provisions of law and Department regulations relating to conditionally released prisoners.

(3) Section 197.040 of the Kentucky Revised Statutes is repealed.

SB 241: AN ACT relating to administrative agencies, administrative regulations and procedures, and judicial review of administrative decisions.

Section 1. As used in this Act unless the context requires otherwise:

(1) "Agency" includes every authority of the state government except the judicial and legislative branches;

(2) "Regulation" means a written substantive requirement of general future applicability governing rights, duties or privileges of private persons as a matter of prescriptive law;

(3) "Rule" means a written administrative principle governing procedures under which a private right, duty or privilege is determined; and

(4) "Commission" means the Legislative Research Commission.

Section 2. Each agency may adopt reasonable regulations to implement administration of the functions assigned to it by law, and shall adopt such regulations as are necessary to the proper execution of those functions. If prepared and filed in accordance with the provisions of this Act, such regulations shall have the force of law and be enforced by all law enforcement officers. In every instance the power to adopt regulations to implement a particular function is limited by the terms of the grant of authority under which the function was assigned.

Section 3. Each agency shall adopt rules governing its formal and informal proceedings in which rights, duties and privileges of private persons are determined. Such rules shall include rules of practice before the agency in supplement to the requirements of this Act.

Section 4. (1) Prior to the adoption of every rule or regulation, and the amendment or repeal thereof, the agency shall publish or otherwise circulate notice of its intended action. Interested parties shall be afforded reasonable opportunity to express their views orally or in writing. Where the agency finds that such procedure is impracticable or contrary to public interests it may adopt the measure without these preliminary steps. A rule or regulation so adopted must include a brief statement of such finding and the reasons therefor.

(2) Any person may petition an agency requesting adoption, amendment or repeal of a rule or regulation. Where the request involves a regulation which was adopted without a hearing, the agency shall hold a public hearing, if the petitioner so requests. Action must be taken on any such petition within a reasonably short time.

Section 5. (1) No rule or regulation adopted by a state agency shall be effective unless filed in the office of the Commission except a regulation which:

(a) Fixes rates, quotas or tariffs; or

(b) Relates to the use of public works, including streets and highways, when the effect of such regulations is indicated to the public by means of signs or signals.

(2) Nothing in this Act shall prevent any state agency, in its discretion and subject to the approval of the Commission, from filing, and the Commission from distributing in accordance with this Act, any rates, tariffs or other documents not required to be filed.

Section 6. Rules and regulations required to be filed shall become effective at the beginning of the thirtieth day after the day on which they were filed unless a later date is specified by the adopting agency. Where the agency finds that an emergency exists, a regulation may becomes effective in less than the time required by this section, but in no case less than five days. Such an emergency regulation must include a statement of emergency finding and reasons therefor. The Governor must concur in the finding by endorsement upon the original regulation.

Section 7. (1) The Commission shall cause to be endorsed on each rule or regulation filed the date of the filing thereof, and shall maintain a file of such rules and regulations for public inspection, with suitable indexes.

(2) Compliance with the provisions of this Act does not dispense with any other requirements necessary to make the rule or regulation effective.

Section 8. (1) The Commission shall prescribe rules governing the manner and form in which rules and regulations shall be prepared, changed, and submitted for filing, to the end that all shall be prepared in a uniform manner. The Commission may refuse to accept for filing any rule or regulation that does not conform to the rules.

(2) The Commission shall furnish advice and assistance to all state agencies in the preparation of their rules and regulations, and in revising, codifying and editing existing or new ones.

Section 9. (1) The Regulations and Procedures Service of the Legislative Research Commission shall constitute a permanent secretariat for the state occupational and professional licensing boards and other agencies which have not state offices, services and facilities furnished to them and which are not organizationally attached to any department, constitutional or statutory, of the state government. This secretariat shall furnish secretarial, stenographic and clerical services to such agencies, and shall provide conference rooms wherein meetings and hearing can be held at the convenience of the agencies subject to the rules of the Legislative Research Commission. The Regulations and Procedures Service shall also make available the services of a hearing officer and counsel for matters relating to the conduct of hearings and other procedural matters.

(2) All services provided for in subsection (1) shall be furnished without cost to the agencies authorized to use them, except that all travel expenses incurred by the Regulation Service in behalf of any agency shall be borne by the agency.

Section 10. (1) Each agency for which the secretariat is provided in Section 9 of this Act shall schedule meetings and conduct administrative activities through the secretariat wherever practical considering the nature of the meeting or activity.

(2) This section is not intended to affect the performance of any duties, administrative or otherwise, by members of the governing body of the agency or executive secretaries or any appointees filling executive positions in the agencies.

Section 11. (1) The Commission may prescribe rules governing the use of the secretariat. Such rules shall be designed to provide the maximum of service to the agencies. The secretariat will schedule the use of its services so as to promote their maximum use without unduly hampering the program of any one agency.

(2) Any agency dissatisfied with a rule or the schedule of the secretariat may appeal by letter to the Commission.

Section 12. The Commission shall employ such additional persons as are necessary to maintain the secretariat and its schedule of operation. The Commission may make any arrangements it can toward procurement of the services of the staff of the Department of Law in connection with hearings and procedural matters.

Section 13. The Commission shall compile, publish, and distribute the regulations filed by state agencies in a loose-assembly manner which will accommodate changes in regulations and allow distribution of any topical or organizational part of the regulations as well as all of them. This compilation shall be known as the Kentucky Administrative Regulations Service and shall constitute the official state publication of administrative regulations.

Section 14. The Kentucky Administrative Regulations Service shall be prepared under the direct supervision of an attorney appointed by the Commission and designated the Regulations Compiler. The Regulations Compiler shall prepare a certificate to the effect that the text of the regulations as printed in this service is correct. One copy of this publication, with the original certificate therein, shall be maintained in the office of the Secretary of State. All other copies shall contain a printed copy of the certificate and shall constitute prima facie evidence of the law in all courts and proceedings. No compilation of the administrative regulations of this Commonwealth not bearing such a certificate shall be admissable as evidence of the law in any court or proceeding.

Section 15. (1) Every agency planning to reproduce or publish, or arrange for the publication of, all of its rules and regulations, or a voluminous part thereof, shall first make request to the Commission for joint publication plans, including composition and reproduction plans, which will allow production of copy for the publication needs of both the Commission and the administrative agency. Whenever practical, publication of regulations shall be accomplished through such a joint publication system. All doubts arising in connection with such plans shall be resolved in favor of central publication needs.

(2) The agency which adopted the regulations shall pay such proportion of the joint reproduction cost as is determined by the Commission to be necessary to the continuation of the regulations service, which amount shall be in no case as great as the lowest bid the agency can obtain for reproduction in similar kind and quality.

(3) This section is not intended to prohibit agency publication where joint plans cannot be adapted to the needs of the agency which adopted the regulations.

Section 16. (1) Either the Commission's authenticated file stamp on a rule or regulation or publication of a rule or regulation in the Kentucky Administrative Regulations Service shall raise a rebuttable presumption that the rule or regulation was adopted and filed in compliance with all requirements necessary to make it effective.

(2) The courts shall take judicial notice of rules and regulations as in the case of other laws.

Section 17. On petition of any interested person, an agency may issue a declaratory ruling as to the application of a regulation. A declaratory ruling if issued after argument and stated to be binding, shall be binding between the agency and the parties to the action on the state of facts alleged. Such ruling may be appealed to the courts in the manner provided in Section 26 of this Act.

Section 18. (1) In every agency determination of a private right, duty, or privilege, except one which rests solely on inspection, tests or an election, all parties shall be afforded an opportunity to be heard by and present evidence to the agency. The agency shall give reasonable notice of the time and place of the hearing and of the issues involved.

(2) Parties may appear in person or by counsel.

(3) In determining claims for money or benefits or applications for initial licenses any agency may, where the interests of any party will not be prejudiced thereby, adopt procedures for the submission of all or part of the evidence in written form.

Section 19. (1) Proceedings before agencies shall be conducted in a simple and summary manner. Hearings shall not be governed by technical rules of evidence. Hearing officers may admit and give probative effect to evidence commonly accepted by reasonably prudent men in the conduct of their affairs. They may take official notice of judicially cognizable facts and general, technical or scientific facts within their specialized knowledge, affording all parties an opportunity to contest facts so noticed. They may exclude incompetent, irrelevant, immaterial or unduly repetitious evidence.

(2) Agencies shall give effect to the rules of privilege recognized by law. Every party shall have the right to cross-examine witnesses, and submit evidence in rebuttal.

Section 20. Agency hearing officers may administer oaths and examine witnesses in person or by deposition in connection with authorized activities. They may issue subpoenas and subpoenas duces tecum in the agencies' behalf or in the behalf of any party to a proceeding before it. Administrative orders may be enforced by application to any court of competent jurisdiction. Fees shall be allowed and paid by the party in whose behalf they are incurred except as otherwise provided by law.

Section 21. Each agency shall prepare official records of its proceedings. All evidence, including documents in possession of the agency shall be offered and made a part of the record. Shorthand notes shall be transcribed on request of one of the parties for purposes of review.

Section 22. The transcript of testimony and exhibits, together with all papers filed in the proceedings, shall constitute the exclusive record for the agency decision. The agency may utilize its experience, technical competence and specialized knowledge in evaluating the record.

Section 23. (1) Within a reasonable time after the hearing the agency shall make a decision in the matter. Where the final decision of the agency is to be made by some person or persons other than the hearer, the hearer shall make a recommended decision unless he is no longer available for that purpose. Where the hearer makes no recommended decision, the person, or, in the case of a board or commission, a majority of the persons, making the final decision shall make it on an examination of the whole record.

(2) Every decision adverse to a party other than the agency shall be in writing and shall be accompanied by findings of fact and conclusions of law. Parties may submit proposed findings and conclusions.

(3) Parties shall be notified of the decision and resulting order in person or by mail. A copy of the decision and accompanying findings and conclusions shall be delivered or mailed upon request to the parties or their attorneys of record.

Section 24. Any person adversely affected by an agency determination may petition the agency for a rehearing. The agency may grant a rehearing in its own discretion or in accordance with its own rules.

Section 25. No officer, employe or agent engaged in the performance of investigative or prosecuting functions for any agency in any case shall, in that or a factually related case, participate or advise in a hearing involving private rights except as witness or counsel in public proceedings. No officer responsible to, or subject to the supervision of, any officer, employe or agent engaged in the performance of investigative or prosecuting functions for any agency shall preside at any agency hearing involving private rights. This section shall not apply in determining applications for initial licenses and claims for money or other benefits.

Section 26. (1) Unless otherwise provided by law, any person aggrieved by any final decision of an administrative agency may appeal to the Franklin Circuit Court or any other circuit court agreed upon by the parties to the appeal, by filing an appeal within thirty days after service of the final decision by the agency in accordance with Section 23 of this Act. The appeal shall contain a brief statement of the grounds of appeal. Copies of the petition shall be served upon the agency and all other parties of record in the manner provided by law for appeals in civil cases.

(2) The court in its discretion may permit other interested persons to intervene.

Section 27. Except as otherwise provided by law, the filing of the petition of appeal shall not stay enforcement of the agency decision, but the agency may do so, or the reviewing court may order a stay upon such terms as it deems proper.

Section 28. Within thirty days after service of the petition of appeal, or within such further time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review; but, by stipulation of all parties to the review proceeding, the record may be shortened.

Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

Section 29. Except as otherwise provided by law, the court shall, where good cause is shown, advance the case to a position of preferment on the docket.

Section 30. If, before the date set for hearing on appeal, application is made to the court for leave to present additional evidence on the issues in the case, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, th court may order that the additional evidence be taken before the agency upon such conditions as the court deems proper. The agency may modify its findings and decision by reason of the additional evidence and shall file with the reviewing court, to become a part of the record, the additional evidence, together with any modifications or new findings or decision.

Section 31. Except as otherwise provided by law, the review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the agency, not shown in the record, testimony thereon may be taken in the court. The court may, upon request, hear oral argument and receive written briefs.

Section 32. The court may affirm the decision of the agency or remained the case for further proceedings, or it may reverse or modify the decision if the substantial rights of the petitioners may have been prejudiced because the administrative findings or conclusions are:

(1) In violation of constitutional provisions;

(2) In excess of the statutory authority or jurisdiction of the agency;

(3) Made upon unlawful procedure;

(4) Affected by other error of law;

(5) Unsupported by competent, material, and substantial evidence in view of the entire record as submitted; or

(6) Arbitrary or capricious.

Section 33. Nothing in this Act shall be construed to prevent resort to other means of review provided by statute.

Section 34. An aggrieved party may secure a review of any final judgment of the circuit court under this Act by appeal to the Court of Appeals. Such appeal shall be taken in the manner provided by law for appeals in other civil cases.

Section 35. (1) This Act is of general applicability and the procedure and appeal provisions are intended to govern where there is no specific provision of statutory law governing the corresponding procedure of a particular agency.

(2) Actions pending prior to the effective date of this Act shall not be affected by its provisions.

Section 35a. (1) The provisions of this Act do not apply to governing authorities of the institutions of higher learning in this state.

(2) The Department of Military Affairs and the Parole Board are specifically exempted from the provisions of this Act.

Section 36. Section 12.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Governor, with the approval of his cabinet, may prescribe general rules for the conduct of the administrative department to give effect to the provisions of law relating to administrative organization of state agencies.

(2) The head of each department may likewise prescribe rules for the conduct of the work of the department, not inconsistent with the rules prescribed by the Governor, to give effect to the provisions of law relating to administrative organization of the department.

Section 37. Sections 13.080 to 13.125 and 12.120 of the Kentucky Revised Statutes are repealed.

SB 249, AN ACT relating to notary publics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 423.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) A notary public other than a notary public appointed for the state at large may exercise all of the functions of his office in any county of the state, by filing in the county clerk's office in such county his written signature and a certificate of the county clerk of the county for which he was appointed, setting forth the fact of his appointment and qualification as a notary public, and paying a fee of one dollar to the county clerk.

(2) When this has been done the instrument or instruments so proved or acknowledged and certified by the notary, whether prior or subsequent to this date, shall be entitled to be read as evidence or to be recorded in any county the same as if it were certified by a county clerk.

(3) The county clerk of a county in whose office any notary public has so filed his signature and certificate shall, when requested, subjoin to any certificate of proof or acknowledgment signed by the notary a certificate under his hand and seal, stating that such notary public has filed a certificate of his appointment and qualifications with his written signature in his office, and was at the time of taking such proof or acknowledgment duly authorized to take the same;

that he is well acquainted with the handwriting of the notary public and believes that the signature to such proof or acknowledgement is genuine.

(4) A notary public appointed for the state at large may exercise all of the functions of his office within the entire state.

Report On Enrolled Bills

The Committee on Enrollment reported that **HB 294, HB 252, HB 240, HB 139, HB 260, HB 83, HB 110, HB 371, HB 341, HB 401, HB 213, HR 46**, had been examined and found correctly enrolled. Said bills and resolutions read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

HB 294, HB 252, HB 240, HB 139, HB 260, HB 83, HB 110, HB 371, HB 341, HB 401, HB 213, HR 46 delivered, signed by President of the Senate. Ordered delivered to the Governor.

Orders of the Day

SR 15 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length for the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 75—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Farmer, Flanery, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Highland, Hill, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McKinney, Melton, Miller, Mullins, Murphy, Nunn, Ockerman, Parrish, Pollitte, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wilson, Young. Nays 0. **SR 15** was passed and the title agreed to.

SR 17 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length for the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 75—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Farmer, Flanery, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Highland, Hill, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McKinney, Melton, Miller, Mullins, Murphy, Nunn, Ockerman, Parrish, Pollitte, Ratcliffe, Ray, Rayburn, V. Reed,

H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wilson, Young. Nays 0. **SR 17** was passed and the title agreed to.

SR 19 taken from Orders of the Day, on recommendation of the Rules Committtee. Representative Morgan moved that it be placed on passage. Agreed. Read length for the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 75—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Farmer, Flanery, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Highland, Hill, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McKinney, Melton, Miller, Mullins, Murphy, Nunn, Ockerman, Parrish, Pollitte, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wilson, Young. Nays 0. **SR 19** was passed and the title agreed to.

SR 20 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length for the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 75—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Farmer, Flanery, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Highland, Hill, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McKinney, Melton, Miller, Mullins, Murphy, Nunn, Ockerman, Parrish, Pollitte, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wilson, Young. Nays 0. **SR 20** was passed and the title agreed to.

SR 25 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length for the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 75—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Farmer, Flanery, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Highland, Hill, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McKinney, Melton, Miller, Mullins, Murphy, Nunn, Ockerman, Parrish, Pollitte, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wilson, Young. Nays 0. **SR 25** was passed and the title agreed to.

SR 32 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length for the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 75—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Embry, Farmer, Flanery, Gay, Greene, Griffin, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Highland, Hill, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McKinney, Melton, Miller, Mullins, Murphy, Nunn, Ockerman, Parrish, Pollitte, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Wilson, Young. Nays 0. **SR 32** was passed and the title agreed to.

HB 369 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that the bill be placed on passage. Agreed.

Representative Morgan moved that committee substitute to **HB 369** be adopted. Agreed. Read at length the third time. Represenative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 39—Anderson, Barnum, Baumgardner, Blankenship, Burnley, Bush, Casey, Caudill, Cornett, Cottengim, Embry, Fitzpatrick, Flanery, Freeman, Greene, Grigsby, Gullette, Hahn, Harris, Hill, Hilton, Isler, Kubale, Martin, McCallum, Miller, Moore, Murphy, Newsom, Peace, Qualls, Rayburn, J. B. Reed, H. V. Reid, Reynolds, Tinsley, Walsh, Weintraub, Wirsch. Nays 54—Bates, Billington, Blue, Breathitt, Bridgers, Buchanan, Carter, Conrad, Day, Dunsil, Everett, Farmer, Gay, Griffin, Grundy, Hadden, Hawkins, Heskamp, Heyburn, Highland, Hinkle, Hislope, C. S. Howard, D. W. Howard, Jennings, Johnson, Lambert, Lowman, Mackey, McFadden, McKinney, Melton, Morgan, Mullins, Nunn, Ockerman, Parrish, Pollitte, Ratcliffe, Ray, V. Reed, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Young. **HB 369** was defeated.

Representative Lowman moved that the vote by which said bill was defeated be reconsidered and the Bill laid on the Clerk's desk.

Report On Enrolled Bills

The Committee on Enrollment reported that **HB 470, HB 337,**

HB 156, HB 306, HB 495, HB 339, HB 338 had been examined and found correctly enrolled. Said Bills read at length, compared, and signed in open session by the Speaker. Ordered that the original and enrolled copies be delivered to the Senate.

HB 470, HB 337, HB 306, HB 495, HB 339, HB 338 delivered, signed by President of the Senate. Ordered delivered to the Governor.

Recess

Representative D. W. Howard moved to adjourn.

Representative Morgan moved to amend the motion to recess until 8 P.M. Agreed.

In the absence of the Speaker, Representative Rayburn called the House to Order at the appointed time.

Motions

Representative Morgan moved that the vote by which **HB 369** was defeated be reconsidered and the Bill laid on Clerk's desk.

Representative Breckinridge rose to a point of order that the only motion before the House was the motion to adjourn.

With the unanimous consent of the House, Representative Lowman withdrew the motion on **HB 369.**

Senate Message

Senate message announcing passage of **HB 151, HB 302,** and **SR 29** was read by Clerk.

Orders of the Day

HB 503 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Wathen moved to amend **HB 503** as follows:

"Amend printed copy of House Bill 503 Subsection 12, by adding thereto following the word 'one-half', the following which shall be Subsection (12) (a):

Section 134.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) For the calendar year 1957, the sheriff shall be allowed by the Department of Revenue for collecting state taxes, a commission of ten percent upon the first ten thousand dollars and four percent upon the residue collected or accounted for and paid into the State Treasury for each calendar year. For the calendar year 1958 and each year thereafter the sheriff shall be allowed by the Department of Revenue, for collecting state taxes, a commission of ten percent upon the first five thousand dollars and four percent upon the residue collected or accounted for and paid into the State Treasury for each calendar year.

(2) He shall be allowed by the county treasurer, for collecting the county revenue, ten percent upon the first five thousand dollars collected, and four percent upon the residue.

(3) In counties containing a population of less than seventy-five thousand, the aggregate annual compensation of the sheriff for official services shall not exceed seven thousand two hundred dollars, independent of the compensation of legally authorized deputies and assistants and reasonable expenses as limited by the fiscal court." Adopted.

HB 503 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 55—Bates, Billington, Breathitt, Breckinridge, Burnley, Bush, Caudill, Conrad, Cottengim, Davidson, Davis, Day, Everett, Farmer, Freeman, Greene, Grundy, Gullette, Hadden, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, C. S. Howard, D. W. Howard, Isler, Johnson, Kubale, Lambert, Lowman, Mackey, McKinney, Melton, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Pollitte, H. V. Reid, R. Reid, Sr., Searcy, Stith, Thomas, Thompson, Wathen, Weintraub, Wilson, Wirsch, Young. Nays 25—Anderson, Barnum, Baumgardner, Blue, Bridgers, Buchanan, Carter, Casey, Cornett, Dunsil, Embry, Flanery, Gay, Griffin, Grigsby, Hahn, Heskamp, Holsclaw, Martin, McFadden, Miller, Peace, Qualls, J. B. Reed, L. B. Wells. **HB 503** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 152 taken from Clerk's desk, on motion of Representative Morgan. Representative Morgan moved that it be placed on passage. Agreed. Representative Weintraub moved the Previous Question. Agreed.

On roll call, the vote was yeas 29—Casey, Conrad, Cornett, Cottengim, Farmer, Flanery, Grigsby, Highland, Hill, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Lambert, Martin, Mullins, Murphy, Peace, Pollitte, Ratcliffe, Ray, Rayburn, V. Reed, Searcy, Stith, Thompson, Weintraub, Wirsch. Nays 47—Billington, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Carter, Caudill, Davidson, Davis, Day, Dunsil, Everett, Freeman, Gay, Greene, Griffin, Gullette, Hahn, Heskamp, Hilton, Hinkle, Kubale, Lowman, Mackey, McCallum, McFadden, Melton, Moore, Morgan, Newsom, Nunn, Ockerman, Parrish, Qualls, J. B. Reed, H. V. Reid, R. Reid, Sr., Saylor, Thomas, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Young. **HB 152** was defeated.

Representative Morgan moved that the vote by which said bill was defeated be reconsidered and the motion laid on the table. Agreed.

HB 296 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 65—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Grigsby, Grundy, Gullette, Hadden, Heskamp, Heyburn, Highland, Hill, Hinkle, Hislope, Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Lowman, McCallum, McFadden, McKinney, Melton, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Qualls, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Thomas, Wathen, L. B. Wells, Wilson, Wirsch, Young. Nays 4—Buchanan, Bush, Martin, Peace. **HB 296** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 305 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 62—Anderson, Barnum, Bates, Baumgardner, Billington, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Grigsby, Grundy, Gullette, Hadden, Heskamp, Heyburn, Highland, Hinkle, Hislope, Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Lowman, McCallum, McFadden, McKinney, Melton, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Qualls, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Thomas, Wathen, L. B. Wells, Wirsch, Young. Nays 8—Blankenship, Buchanan, Bush, Hawkins, Hill, Hilton, Martin, Peace. **HB 305** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 422 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 65—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Grigsby, Grundy, Gullette, Hadden, Heskamp, Heyburn, Highland, Hill, Hinkle, Hislope, Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Lowman, McCallum, McFadden, McKinney, Melton, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Qualls, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Thomas, Wathen, L. B. Wells, Wilson, Wirsch, Young. Nays 4—Buchanan, Bush, Martin, Peace. **HB** 422 was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 423 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 65—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Dunsil, Embry, Everett, Farmer, Flanery, Freeman, Gay, Grigsby, Grundy, Gullette, Hadden, Heskamp, Heyburn, Highland, Hill, Hinkle, Hislope, Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Lowman, McCallum, McFadden, McKinney, Melton, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Qualls, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Thomas, Wathen, L. B. Wells, Wilson, Wirsch, Young. Nays 4—Buchanan, Bush, Martin, Peace. **HB** 423 was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 482 taken from Orders of the Day on recommmendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Hinkle moved to amend **HB** 482 as follows: "Amend printed copy of **HB** 482 on page 2, section 5, line 8, add the following to line 8. 'the share of expenses of this program to be charged to each enterprise shall not exceed three percent (3%) of the gross receipts of such enterprise above the amount of one hundred and twenty-five dollars ($125.00) gross sales per week, the first One Hundred and Twenty-Five Dollars ($125.00) per week being exempt from any such share.'" Adopted.

HB 482, as amended, read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 69—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Dunsil Embry, Everett, Farmer, Flanery, Gay, Greene, Grigsby, Grundy, Hadden, Hahn, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Lowman, Mackey, Martin, McCallum, McFadden, Melton, Miller, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Stith, Thomas, Thompson, L. B. Wells, Wirsch, Young. Nays 0. **HB 482** was passed and the title agreed to.

HB 464 taken from Orders of the Day on recommendation of Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 64—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Breathitt, Breckinridge, Bridgers, Buchanan, Burley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Dunsil, Embry, Everett, Farmer, Flanery, Gay, Greene, Grigsby, Grundy, Hadden, Hahn, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw; D. W. Howard, Isler, Jennings, Johnson, Lowman, Mackey, Martin, McCallum, McFadden, Miller, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Qualls, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Stith, Thomas, L. B. Wells, Wirsch, Young. Nays 5—Blue, Davidson, Melton, Pollitte, Thompson. **HB 464** was passed and the title agreed to.

HB 498 taken from Orders of the Day on recommendation of Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 67—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Cottengim, Davidson, Dunsil, Embry, Everett, Farmer, Flanery, Gay, Greene, Grigsby, Grundy, Hadden, Hahn, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Lowman, Mackey, Martin, McCallum, McFadden, Melton, Miller, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Stith, Thompson, L. B. Wells, Wirsch, Young. Nays 2—Casey, Thomas. **HB 498** was passed and the title agreed to.

HB 168 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Hinkle moved to amend **HB 168** as follows.

Amendment No. 1: "Amend printed copy of House Bill No. 168 on page 1, section 1, by adding after the word 'sale' the following, except commodities prepared in the home and not intended for regular commercial sale.'" Adopted.

Amendment No. 2: "Amend printed copy of House Bill No. 168 on page 2, section 3, line 2 by adding the words, 'linear measure' between the phrase, 0'liquid measure' and the phrase, 'dry measure.'" Adopted.

HB 168, as amended, read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 44—Anderson, Bates, Baumgardner, Billington, Blankenship, Blue Breathitt, Burnley, Casey, Cottengim, Davis, Embry, Everett, Flanery, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Highland, Hill, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Johnson, Martin, Moore, Newsom, Nunn, Parrish, Ray, Rayburn, H. V. Reid, R. Reid, Sr., Searcy, Thompson, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 23—Buchanan, Caudill, Griffin, Hislope, Jennings, Lambert, McFadden, McKinney, Mullins, Peace, Pollitte, Qualls, V. Reed, Saylor, Stith, Heyburn, Isler, Day, Mackey, McCallum, Ockerman, Thomas, Conrad. **HB 168** was passed and the title agreed to.

HB 449 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 53—Anderson, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Burnley, Casey, Conrad, Cottengim, Davis, Day, Embry, Everett, Flanery, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Highland, Hill, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Johnson, Mackey, Martin, McCallum, Moore, Newsom, Nunn, Ockerman, Parrish, Ray, Rayburn, H. V. Reid, R. Reid, Sr., Searcy, Thomas, Thompson, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 15—Buchanan, Caudill, Griffin, Hislope, Jennings, Lambert, McFadden, McKinney, Mullins, Peace, Pollitte, Qualls, V. Reed, Saylor, Stith. **HB 449** was passed and the title agreed to.

Representative Lowman moved that the vote by which **HB 369** was defeated by reconsidered.

Representative D. W. Howard moved to table motion to reconsider.

On roll call, the vote was yeas 33—Bates, Breathitt, Bridgers, Dunsil, Griffin, Grigsby, Grundy, Hawkins, Heskamp, Heyburn, Hislope, D. W. Howard, Jennings, Johnson, Lambert, Mackey, Martin, McFadden, McKinney, Mullins, Nunn, Ockerman, Pollitte, Ray, R. Reid, Sr., Saylor, Searcy, Stith, Thompson, A. W. Wells, L. B. Wells, Williamson, Young. Nays 37—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Burnley, Bush, Cottengim, Davidson, Day, Everett, Farmer, Flanery, Greene, Gullette, Harris, Hill, Hilton, Isler, Kubale, Lowman, McCallum, Melton, Miller, Moore, Morgan, Murphy, Newsom, Qualls, Rayburn, J. B. Reed, V. Reed, H. V. Reid, Weintraub, Wirsch, Fitzpatrick. The motion to table was rejected.

On roll call on the motion to reconsider the vote on **HB 369**, the vote was yeas 37—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Burnley, Bush, Cottengim, Davidson, Davis, Day, Everett, Fitzpatrick, Flanery, Greene, Gullette, Harris, Hilton, C. S.

Howard, Isler, Johnson, Kubale, Lowman, McCallum, Miller, Moore, Morgan, Murphy, Newsom, Qualls, Rayburn, J. B. Reed, V. Reed, H. V. Reid, Weintraub, Wirsch. Nays 36–Bates, Breathitt, Bridgers, Dunsil, Farmer, Griffin, Grigsby, Grundy, Hadden, Hawkins, Heskamp, Heyburn, Highland, Hinkle, Hislope, D. W. Howard, Jennings, Lambert, Mackey, McFadden, McKinney, Mullins, Nunn, Ockerman, Parrish, Pollitte, Ray, R. Reid, Sr., Saylor, Searcy, Stith, Thomas, A. W. Wells, L. B. Wells, Williamson, Young.

The motion was adopted.

HB 369 read at length. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 37–Anderson, Barnum, Baumgardner, Blankenship, Blue, Burnley, Bush, Cornett, Cottengim, Day, Everett, Fitzpatrick, Flanery, Freeman, Greene, Gullette, Harris, Hill, Hilton, Isler, Johnson, Kubale, Lowman, Martin, McCallum, Miller, Moore, Morgan, Murphy, Newsom, Qualls, Rayburn, J. B. Reed, H. V. Reid, Weintraub, Wirsch, Young. Nays 35–Bates, Breathitt, Bridgers, Buchanan, Casey, Dunsil, Farmer, Griffin, Grundy, Hadden, Hawkins, Heskamp, Heyburn, Highland, Hinkle, Hislope, D. W. Howard, Jennings, Lambert, Mackey, McFadden, McKinney, Mullins, Nunn, Ockerman, Parrish, Pollitte, Ray, R. Reid, Sr., Saylor, Searcy, Stith, A. W. Wells, L. B. Wells, Williamson. **HB 369** was defeated.

Representative Morgan moved that the vote by which said bill was defeated be reconsidered and the motion laid on the table. Agreed.

Recess

Representative Morgan moved to recess for five minutes for Rules Committee meeeting. Agreed.

The Speaker called the House to order at the appointed time.

Report of Rules Committee

The Rules Committee reported **SR 67, SR 55, SR 62, SB 180, SB 227, SB 251** with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SR 67, A JOINT RESOLUTION authorizing Bill Stumbo to sue the Department of Highways and the Commonwealth of Kentucky, or either.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Bill Stumbo is authorized to sue the Department of Highways and the Comomnwealth of Kentucky or either in the Floyd Circuit Court, being the court having jurisdiction in the county in which the injuries were incurred, for damages and medical expenses resulting from personal injuries and loss of time caused by the alleged negligence on the part of the Department of Highways and the Commonwealth of Kentucky by and through its officers, agents and employes on February 4, 1954.

Section 2. This suit shall be for a sum not in excess of five thousand dollars.

Section 3. The Attorney General may investigate the claim herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in such suit or by settlement with the Attorney General shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 4. In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky, as in other civil cases. No plea of limitation shall be interposed with reference to this claim.

Section 5. No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth or the Department of Highways, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

SR 55, A JOINT RESOLUTION authorizing the Legislative Research Commission to procure an automatic roll-call system for use of the General Assembly.

WHEREAS, a joint committee composed of senators and representatives of the General Assembly was created in 1952 for the purpose of studying the advisability of an automatic roll-call system for the use of the House of Representatives of the General Assembly; and,

WHEREAS, the joint committee's study of automatic roll-call systems in use in the legislatures of other states reveals that the use of such systems increases substantially the efficiency and accuracy of voting in the legislatures where such systems are in use; and,

WHEREAS, in view of the study of the joint committee it is both feasible and desirable that an automatic roll-call system be installed in the Senate and House of Representatives of the General Assembly.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission is empowered and directed to issue invitations to bid on the installation of automatic roll-call systems in both the Senate and House of Representatives. Such invitations to bid shall be sent to all companies in the United States performing such services, and the invitations to bid shall cover both rentals and outright purchase of automatic roll-call systems.

Sec. 2. The Legislative Research Commission is hereby authorized to accept the lowest and best bid submitted for the installation of automatic roll-call system and to determine whether such system shall be purchased outright or procured on a rental basis.

SR 62: A RESOLUTION expressing regret for the illness of Fred Beshear and wishing him a speedy recovery.

WHEREAS, Fred Beshear, a member of this honorable body is ill and has been forced by said illness to leave his seat; and,

WHEREAS, the said Fred Beshear has rendered long and faithful service to the Commonwealth of Kentucky as a legislator; and,

WHEREAS, the said Fred Beshear, having served many sessions as a member of this honorable body, has never prior to this session, missed a roll call or vote of any session in which he has served;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Senate hereby expresses its regrets that Fred Beshear is ill and its wishes that he have a speedy recovery and be able to return soon to his seat.

Section 2. That the Clerk of the Senate cause copies of this Resolution be sent to the Honorable Fred Beshear and to the county court clerk of Hopkins County to be made a part of the official records of that county.

SB 180, AN ACT relating to state officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 61.110 of the Kentucky Revised Statutes is amended to read as follows:

State officers who are required, in the discharge of their duties, to remain at the state capital more than three months in each year, may, with their families, temporarily reside at the state capital for any space of time during the term for which they were elected or appointed, without changing or losing their legal and permanent residence in the district and precinct in which they reside at the time of their temporary removal. Such officers and their families shall for all purposes be regarded as residents of the precinct and district from which they removed.

SB 227, AN ACT relating to the publication, sale and distribution of comic books.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is hereby declared to be the policy of the legislature to restrain the publication, sale and distribution to minors of comic books devoted to crime, terror, physical torture, brutality, or illicit sex. It is found that such comic books and publications are a contributing factor to juvenile crime and a basic factor in impairing the ethical and moral development of our youth.

Section 2. Any person who shall publish or distribute for sale any book, pamphlet or magazine consisting of narrative material in pictorial form, colored or uncolored, and commonly known as comic books, the content of which is devoted to or principally made up of pictures or accounts of methods of crime, terror, physical torture, brutality or illicit sex, shall, upon conviction, be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Section 3. (a) Any person who shall knowingly sell, lend, give away, show, advertise for sale or distribute commercially to any person under the age of eighteen years or have in his possession with intent to sell, lend, give away, show, advertise for sale, distribute commercially or otherwise offer to any person under the age of eighteen years any comic book as described in Section 2 hereof, shall be fined not more than five hundred dollars or imprisoned not more than six months or both. For the purpose of this section "knowingly" shall mean having knowledge of the character and content of the publication or failure to exercise reasonable inspection which would disclose the content and character of the same:

(b) If any comic book as described in Section 2 hereof is displayed in any newsstand, book store, drug store, market or other mercantile establishment where such publication may be seen by any person under the age of eighteen years, such display shall be presumptive evidence that the person owning or in charge of such establishment was exhibiting the same and intended to sell, offer for sale, display for sale or distribute the same commercially to persons under the age of eighteen years in violation of subsection (a) of this section.

(c) The possession by any person of six or more identical articles coming within the provisions of subsection (a) of this section shall be presumptive evidence of a violation of this section.

Section 4. There is established a Board of Periodical Review, consisting of five members to be appointed by the Governor, who shall hold office for a term of four years. The board shall select from its membership, a chairman, secretary and such other officers as it deems necessary. The members shall serve without compensation, but shall be reimbursed for the necessary expenses incurred in carrying out the duties imposed by the board. The board shall hold semi-annual meetings and may meet bi-monthly if the business of the board requires.

Section 5. (1) The Board of Periodical Review is authorized to encourage the organization of local boards of review to cooperate in gathering information as to any violations of the provisions of this Act. The local boards shall report any such violations to the Board of Periodical Review.

(2) The Board of Periodical Review shall examine such reports and may recommend prosecution of the offender, or take whatever measures deemed advisable to suppress any literature, the publication, sale or distribution of which is deemed to violate the provisions of this Act.

Section 6. The Commonwealth's attorney or county attorney of the county where any violation of the provisions of this Act occurs may maintain an action in equity, upon the relation of the Commonwealth's attorney, or county attorney to enjoin the publication, distribution or sale of articles prohibited by this Act. The person, firm or corporation sought to be enjoined shall be entitled to a trial, of the issues within one day after joinder of issue and a decision shall be rendered by the court within two days of the conclusion of the trial. In the event that publications, distribution, or sale of such articles is permanently enjoined, the final order shall contain a provision directing the person, firm or corporation to surrender to the county sheriff any of the articles prohibited, and shall direct the sheriff to seize and destroy the same.

SB 251, AN ACT relating to school employes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The certification of all superintendents, principals, teachers, supervisors, attendance officers and other administrative, supervisory or instructional employes is vested in the State Board of Education. All certificates issued under KRS 161.010 to 161.130 shall be issued in accordance with the published rules and regulations of the State Board of Education through the Superintendent of Public Insruction.

(2) Certificates shall be issued, reissued and renewed to persons who have completed, at the state teachers colleges of Kentucky for white persons or at the College of Education of the University of Kentucky, the curricula prescribed by the Council on Public Higher Education and approved by the State Board of Education for the certificates.

(3) Notwithstanding the provisions of subsections (1) and (2), any person having been employed and having served as a teacher in the

public elementary or secondary school system within the state for a period of twenty years shall be issued a certificate for life by the State Board of Education.

(4) Certificates shall be issued to persons who have attended the state institutions for colored persons in accordance with law and in accordance with the rules and regulations of the State Board of Education.

(5) The State Board of Education shall approve the curricula of any standard college or university, or of any department thereof for the training of teachers, when the curricula comply with the rules and regulations of the State Board of Education and are equivalent to any or all the curricula prescribed for the state institutions for the issuance of certificates to students of the state institutions, and when the institution has otherwise met the terms and conditions provided in KRS 161.010 to 161.130. Any student of such institution who has completed any of these curricula or the equivalent thereof, as approved by the State Board of Education, and who in addition thereto, has completed the prescribed requirements for the issuance of certificates for teaching to students of the state institutions may, by the State Board of Education, be granted a certificate for teaching of the same validity and tenure as certificates issued to students completing like requirements in the state institutions.

Introduction of Bills and Resolutions

HB 520, by Representative Thomas: AN ACT relating to jailers fees, and amending subsection (3) of KRS 64.150.

HR 57, by Representative Mullins: A HOUSE RESOLUTION regarding the proposal of a Constitutional Amendment.

HR 58, by Representative Burnley: A CONCURRENT RESOLUTION requesting the Legislative Research Commission to study the possibility, practicality and advisability of Commonwealth funds being expended in support of municipal colleges and universities.

Motions

Representative Burnley moved adoption of **HR 58.**

HR 58: A CONCURRENT RESOLUTION requesting the Legislative Research Commission to study the possibility, practicability and advisability of Commonwealth funds being expended in support of municipal colleges and universities.

WHEREAS, municipally owned and operated colleges and universities are an indispensible part of the educational system of the Commonwealth of Kentucky, furnishing an opportunity for deserving persons, residing in the immediate area of their location, to receive a college education which otherwise might not be afforded them; and

WHEREAS, the cost of maintaining such educational institutions places a financial burden upon the municipalities operating them resulting in the undesirable restriction or complete prohibition of other necessary services; and

WHEREAS, it appears desirable in the best interest of a sound and progressive educational program for the Commonwealth of Kentucky that financial aid be made available to such municipalities in the operation of such schools and universities;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Legislative Research Commission is hereby requested to make a study to determine the possibility, practicability and advisability of educational funds of the Commonwealth of Kentucky being expended in the support of municipally owned colleges and universities.

Section 2. That the Legislative Research Commission make a report of its findings and submit same to the General Assembly of the Commonwealth of Kentucky not later than the 1958 regular session thereof.

Representative Morgan moved to adjourn until 12 Noon, February 17. Agreed.

FRIDAY, FEBRUARY 17, 1956

THIRTY-SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Edward L. Tullis, First Methodist Church, Frankfort.

Roll call showed all present except Baumgardner, Breshear, Farmer, Gay, Greene, Harris, Melton, Miller, Nunnelley, J. B. Reed, Tanner, Tinsley, who were granted leave of absence on motion of Representative Morgan.

Representative Isler moved that reading of February 16 Journal be dispensed with and that the same be approved. Agreed.

Motions

Representative Isler moved adoption of **HR 54.**

HR 54: A CONCURRENT RESOLUTION requesting and petitioning the Federal Communications Commission to allocate additional Very High Frequency Television Channels to Kentucky.

WHEREAS, the Federal Communications Commission has allocated only four Very High Frequency Television Channels to the Commonwealth of Kentucky, two of which are in operation and both are located in the city of Louisville; and

WHEREAS, all seven of Kentucky's adjoining and neighboring states have been assigned a greater number of Very High Frequency Channels; and

WHEREAS, out-of-state stations provide the only Television media reaching a large proportion of our population, which stations do not offer or create any public service to the people of Kentucky; and

WHEREAS, it is the definite opinion of the members of the General Assembly of the Commonwealth of Kentucky that additional Very High Frequency Stations are essential to the progress and welfare of our State; and

WHEREAS, it is the sense of the members of the General Assembly of the Commonwealth of Kentucky that the State of Kentucky has been discriminated against, although perhaps unintentional, and has not been allocated a sufficient number of Very High Frequency Channels proportionate to its needs, or comparable to allocations made to adjoining states;

NOW, THEREFORE,

Be resolved by the General Assembly of the Commonwealth of Kentucky:

That the Federal Communications Commission be and it is hereby requested and petitioned to allocate additional VHF Television Channels to the Commonwealth of Kentucky.

The Clerk of the House of Representatives is directed to forward copies of this Resolution to each Representative in Congress from Kentucky, to each United States Senator from Kentucky and to the Federal Communications Commission, Washington, D.C.

HR 54 was adopted.

Representative Day moved that the Legislative Research Commission be instructed to send each Member of the General Assembly ten copies of the final issue of the *Legislative Record.* Agreed.

HR 57 referred to Rules Committee on motion of Representative Mullins.

Calendar

SB 23, SB 33, SB 77, SB 97, SB 98, SB 104, SB 116, SB 168, SB 180, SB 194, SB 200, SB 204, SB 208, SB 209, SB 210, SB 211, SB 214, SB 215, SB 217, SB 218, SB 223, SB 227, SB 234, SB 241, SB 249, SB 251, SR 12, SR 14, SR 18, SR 22, SR 29, SR 30, SR 36, SR 37, SR 41, SR 45, SR 47, SR 51, SR 52, SR 55, SR 56, SR 58, SR 59, SR 60, SR 61, SR 62, SR 63, SR 67, SR 68, SR 69 were taken from the Calendar and ordered read at length for the second time. Ordered placed in Orders of the Day.

Orders of the Day

SB 169 taken from Orders of the Day, on recommendation of Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 67—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Day, Dunsil, Flanery, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Highland, Hill, Hinkle, C. S. Howard, Jennings, Johnson, Mackey, Martin, McCallum, McFadden, McKinney, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, Reynolds, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Wathen, Williamson, Wilson, Wirsch. Nays 2—Lambert, Tanner. **SB 169** was passed and the title agreed to.

SB 112 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 69—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Bush, Carter, Caudill, Conrad, Cornett, Cottengim, Day, Dunsil, Embry, Flanery, Freeman, Greene, Griffin, Grigsby, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Highland, Hill, Hinkle, Jennings, Johnson, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ray, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Thompson, Tinsley, Walsh, Wathen, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **SB 112** was passed and the title agreed to.

SR 24 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 71—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Everett, Flanery, Freeman, Grigsby, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hilton, Hinkle, Hislope, Holsclaw, Isler, Jennings, Johnson, Lambert, Lowman, Mackey, McFadden, McKinney, Miller, Morgan, Murphy, Newsom, Ockerman, Parrish, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, L. B. Wells, Williamson, Wirsch, Young. Nays 0. **SR 24** was passed and the title agreed to.

Senate Message

Senate message announcing adoption of **HB 362** with Senate amendment; **HB 389,** with four Senate amendments; **HB 406; HB 310;** and **SR 73,** read by the Clerk.

Orders of the Day

HB 255 taken from the Clerk. Representative Morgan moved that the House concur in the following Senate amendment:

"Amend printed copy of **HB 255,** on pages 7 and 8, section 3, lines 3 to 16, both inclusive. By deleting lines 3 to 16, both inclusive, and by substituting therefor the following:

Class 1. Any new or used motor vehicle designated by the manufacturer by a year model not earlier than the year in which the sale is made—$9 per $100.

Class 2. Any new motor vehicle not in Class 1 and any used motor vehicle designated by the manufacturer by a year model one or two years prior to the year in which the sale is made—$12 per $100.

Class 3. All other motor vehicles not in Class 1 or 2—$15 per $100."

The amendment to **HB 255** was concurred in. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 85—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Embry, Everett, Fitzpatrick, Flanery, Greene, Grigsby, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 2—Griffin, Heskamp. **HB 255** was passed and the title agreed to.

HB 404 taken from the Clerk. Representative Morgan moved that the House concur in the following Senate amendment:

"Amend printed copy of **HB 404** on page 2, section 3, line 3 by adding the words 'insurance company', after word 'any' at the end of the line."

The amendment to **HB 404** was concurred in. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 86—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Embry, Everett, Fitzpatrick, Flanery, Greene, Grigsby, Gullette, Hadden, Hahn, Harris Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 1—Griffin. **HB 404** was passed and the title agreed to.

HB 7 taken from the Clerk. Representative Morgan moved that the House concur in the following Senate amendment:

"Amend printed copy of **HB 7** on page 1, section 2, line 4 by deleting the words 'all the' and inserting in lieu thereof the words 'the suspensions.' "

The amendment to **HB 7** was concurred in. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 86—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Embry, Everett, Fitzpatrick, Flanery, Greene, Grigsby, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 1—Griffin. **HB 86** was passed and the title agreed to.

HB 87 taken from the Clerk. Representative Morgan moved that the House concur in the following Senate amendment:

"Amendment 1. Amend printed copy of **HB 87** on page 1, line 4 by striking the word 'received' and substituting in lieu thereof the word 'receive.'

Amendment 2. Amend printed copy of **HB 87** on page 1, lines 5 and 6 by deleting the words 'reasonably believed by the purchaser or consignee to be.'" Adopted.

The amendment to **HB 87** was concurred in. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 86—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Embry, Everett, Fitzpatrick, Flanery, Greene, Grigsby, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 1—Griffin. **HB 87** was passed and the title agreed to.

HB 28 taken from the Clerk. Representative Morgan moved that the House concur in the following Senate amendment:

"Amendment 1. Amend printed copy of HB 28 on page 1, section 2, line 8 by striking the words 'one from each district.' Amendment 2. Amend printed copy of **HB 28** on page 1, section 2, lines 5 and 6 by striking the words 'shall divide the county into three districts as nearly equal in population as practicable' and substituting in lieu thereof the words: 'shall declare that three commissioners shall be elected from the county at large.'"

The amendment to **HB 28** was concurred in. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 86—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Embry, Everett, Fitzpatrick, Flanery, Greene, Grigsby, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 1–Griffin. **HB 28** was passed and the title agreed to.

HB 221 taken from the Clerk. Representative Morgan moved that the House concur in the following Senate committee substitute:

HB 221: AN ACT relating to advertising and labeling of kosher meats and kosher meat products.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A person who, with intent to defraud, sells or exposes for sale any meat or meat preparations, and falsely represents the same to be kosher, whether such meat or meat preparations be raw or prepared for human consumption, or as having been prepared under, and of a product or products sanctioned by, the orthodox Hebrew religious requirements, either by direct statement orally, or in writing, which might reasonably be calculated to deceive or lead a reasonable man to believe that a representation is being made that such meat or meat preparation is kosher or prepared in accordance with the orthodox Hebrew religious requirements, or falsely represents any meat products or the contents of any package or container to be so constituted and prepared, by having or permitting to be inscribed thereon the word "kosher" in any language; or sells or exposes for sale in the same place of business both kosher and non-kosher meat or meat preparations, whether raw or prepared for human consumption, and who fails to indicate on his window signs and all display advertising, in block letters at least four inches in height, "kosher and non-kosher meat sold here"; or who exposes for sale in any show window or place of business both kosher and non-kosher meat or meat preparations, either raw or prepared for human consumption, and who fails to display over each kind of meat or meat preparations, so exposed a sign in block letters at least four inches in height reading "kosher meat", or "non-kosher meat", as the case may be, or who displays on his window, or in his place of business, or in handbills or other printed matter distributed in or outside of his place of business, words or letters in Hebraic characters other than the word "kosher, or any sign, emblem, insignia, six-pointed star, symbol, or mark in simulation of same, without displaying in conjunction therewith, in English letters of at least the same size as such characters, signs, emblems, insignia, symbols, or marks, the words "we sell kosher meat only", or "we sell non-kosher meat only", or "we sell both kosher and non kosher meat", as the case may be, is guilty of a misdemeanor. Possession of non-kosher meat or meat preparations, in any place of business advertising the sale of kosher meat and meat preparations only, is presumptive evidence that the person in possession exposes the same for sale with intent to defraud, in violation of the provisions of this section.

Section 2. A person who, with intent to defraud, sells or exposes for sale in any hotel, restaurant, or other place where meat products are sold for consumption on or off the premises, and falsely represents the same to be kosher, whether such meat or meat preparations be raw or prepared for human consumption, or as having been prepared under, and of a product or products sanctioned by the orthodox Hebrew religious requirements, either by direct statement orally, or in writing, which might reasonably be calculated to deceive or lead a reasonable man to believe that a representation is being made that such meat is kosher or prepared in accordance with the orthodox Hebrew religious requirements, or falsely represents any meat or meat product or the contents of any package to be so constituted and prepared, by having or permitting to be inscribed thereon the word "kosher" in any language; or sells or exposes for sale in the same place of business both kosher and non-kosher meat or meat preparations, either raw or prepared for human consumption, and who fails to indicate on his window signs and all display advertising, in block letters at least four inches in height, "kosher and non-kosher meat sold here", either raw or prepared for human consumption, and who fails to display over each kind of meat or meat preparation so exposed a sign in block letters at least four inches in height reading "kosher meat" or non-kosher meat", as the case may be, or who displays on his window, door, or in his place of business, or in handbills or other printed matter distributed in or outside of his place of business, words or letters in Hebraic characters other than the word "kosher", or any sign, emblem, insignia, six-pointed star, symbol, or mark in simulation of same, without displaying in conjunction therewith in English letters of at least the same size as such characters, signs, emblems, insignia, symbols, or marks the words "We sell kosher meat only", or "We sell non-kosher meat only", or "We sell both kosher and non-kosher meat", as the case may be, is guilty of a misdemeanor. Possession of non-kosher meat, in any place of business advertising the sale of kosher meat only, is presumptive evidence that the person in possession exposes the same for sale with intent to defraud, in violation of the provisions of this section.

Section 3. Any person, partnership or corporation upon conviction of violation of the provisions of this Act shall be fined not less than twenty-five dollars or more than five hundred dollars or confined in the county jail for not more than six months, or both such fine and imprisonment.

The amendment to **HB 221** was adopted. Representative Morgan moved to amend the title as follows: "Amend the Title to printed copy of **HB 221** by striking the title to said **HB 221** and substituting in lieu thereof the following: AN ACT relating to advertising and labeling of Kosher meats and Kosher meat products." Adopted. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 86—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Embry, Everett, Fitzpatrick, Flanery, Greene, Grigsby, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 1—Griffin. **HB 221** was passed and the title agreed to.

HB 463 taken from the Clerk. Representative Morgan moved that the House concur in the following Senate Amendment:

"Amend Title to **HB 463** by adding at the end thereof the following: This Act shall be known as the Senator R. Jack Reynolds Act."

The amendment to **HB 463** was adopted. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 86—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Embry, Everett, Fitzpatrick, Flanery, Greene, Grigsby, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 1—Griffin. **HB 463** was passed and the title agreed to.

HB 362 taken from the Clerk. Representative Morgan moved that the House concur in the following Senate amendment: "Amend printed copy of **HB 362** on page 6, section 8, line 3 by inserting in line 3 immediately following the word 'shall' and before the word 'have', the following: ', except as otherwise provided in Senate Bill 205 of the 1956 Regular Session.'" Adopted. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 58—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Bridgers, Buchanan, Burnley, Bush, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Embry, Everett, Fitzpatrick, Flanery, Greene, Grigsby, Gullette, Hahn, Harris, Hawkins, Highland, Hill, Hilton, Holsclaw, C. S. Howard, Isler, Jennings, Johnson,, Kubale, Lowman, McCallum, Melton, Miller, Morgan, Newsom, Pollitte, Qualls, Ray, Rayburn J. B. Reed, H. V. Reid, Sloan, Stith, Thompson, Tinsley, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Wirsch. Nays 20—Breckinridge, Caudill, Day, Griffin, Heyburn, Hislope, D. W. Howard, Lambert, Mackey, McFadden, McKinney, Murphy, Ockerman, Peace, R. Reid, Sr., Saylor, Searcy, Tanner, Williamson, Young. **HB** 362 was passed and the title agreed to.

HB 389 taken from the Clerk. Representative Morgan moved that the House concur in the following Senate amendments:

Amend. No. 1. "On Page 1, Section 1, Lines 1 and 2, By striking therefrom the words 'of the Second to Sixth Classes, inclusive'."

Amend. No. 2. "On Page 2, Section 2, Lines 2 and 3, By striking therefrom the words 'of the specified Classes'."

Amend. No. 3. "On Page 18, Section 20, Lines 1 and 2, Strike therefrom the words 'of the classes referred to in this Act'."

Amend. No. 4. "On Page 21, By adding a new Section to be known as Section 23 to read as follows:

SECTION 23. Whereas, many cities of the Commonwealth now are without adequate means of financing projects of the type covered by this Act, and construction thereof is being delayed an emergency is declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Title Amend. Strike from the first line of the title the words 'of the Second to Sixth Classes, inclusive' and by adding to the last line the words 'and declaring an emergency'." Adopted.

On roll call, the vote was yeas 86—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Embry, Everett, Fitzpatrick, Flanery, Greene, Grigsby, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Miller, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 1—Griffin. **HB** 389 was passed.

Representative Morgan moved to amend the title as follows: "Strike from the first line of the title the words 'of the Second to Sixth Classes, inclusive'." Adopted.

SB 170 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question.

On roll call, the vote was yeas 60—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Breathitt, Breckinridge, Burnley, Casey, Caudill, Conrad, Cornett, Davidson, Davis, Day, Dunsil, Everett, Flanery, Freeman, Greene, Grigsby Grundy, Gullette, Hahn, Hawkins, Heyburn, Highland, Hilton, Hinkle, D. W. Howard, Isler, ohnson, Lambert, Mackey, Martin, McKinney, Melton, Miller, Morgan, Mullins, Nunn, Parrish, Pollitte, Ratcliffe, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley Wathen, A. W. Wells, L. B. Wells, Williamson. Nays 0. **SB 170** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 171 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 60—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Breathitt, Breckinridge, Burnley, Casey, Caudill, Conrad, Cornett, Davidson, Davis, Day, Dunsil, Everett, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hahn, Hawkins, Heyburn, Highland, Hilton, Hinkle, D. W. Howard, Isler, Johnson, Lambert, Mackey, Martin, McKinney, Melton, Miller, Morgan, Mullins, Nunn, Parrish, Pollitte, Ratcliffe, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Wathen, A. W. Wells, L. B. Wells, Williamson. Nays 0. **SB 171** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table.

SB 178 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Qustion. Agreed.

On roll call, the vote was yeas 60—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Casey, Cornett, Cottengim, Day, Dunsil, Everett, Flanery, Freeman, Greene, Griffin, Grigsby, Gullette, Hahn, Harris, Hawkins, Heyburn, Highland, Hilton, Hinkle, Holsclaw, D. W. Howard, Isler, Johnson, Kubale, Mackey, Martin, McKinney, Melton, Miller, Morgan, Mullins, Nunn, Ockerman, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, V. Reed,

R. Reid, Sr., Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, Williamson, Wirsch. Nays 1—Conrad. **SB 178** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table.

SB 231 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 69—Anderson, Barnum, Bates, Billington, Blankenship, Blue, Breckinridge, Bridgers, Burnley, Bush, Casey, Conrad, Cornett, Cottengim, Davidson, Day, Dunsil, Flanery, Freeman, Greene, Griffin, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hilton, Hinkle, C. S. Howard, D. W. Howard, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McFadden, McKinney, Melton, Mullins, Murphy, Newsom, Nunn, Parrish, Peace, Pollitte, Ratcliffe, Ray, Rayburn, V. Reed, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Tinsley, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 1—J. B. Reed. **SB 231** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table.

SB 132 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Davidson moved to amend **SB 132** as follows: "Amend printed copy of Senate Bill 132 on page 1, line 5. On page 1, line 5, delete the words: 'in misdemeanor cases' and substitute in lieu thereof the following 'by traffic violations on the public highways.' "

Representative Davidson withdrew his amendment to **SB 132.**

Representative Thompson then moved to amend **SB 132** as follows: "Amend printed copy of **SB 132** on page 1, section 1, line 5 by striking the words 'in misdemeanor cases' and substituting in lieu thereof the following words: 'for violations involving a motor vehicle on the public highways.' " Adopted.

SB 132 as amended read the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 65—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Davidson, Davis, Day, Dunsil, Everett, Flanery, Freeman, Greene Gullette, Hadden, Hahn, Hawkins, Heskamp, Heyburn Highland, Hilton, Hinkle, D. W. Howard, Johnson, Kubale, Lambert, Mackey McKinney, Melton, Morgan, Mullins, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, A. W. Wells,

L. B. Wells, Williamson, Wilson, Young. Nays 4—Bates, Grigsby, Newsom, J. B. Reed. **SB 132** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 198 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Wathen moved that it be placed on passage. Agreed. Read at length the third time. Representative Wathen moved the Previous Question. Agreed.

On roll call, the vote was yeas 69—Anderson, Barnum, Bates, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Everett, Flanery, Freeman, Greene, Griffin, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hilton, Hinkle, C. S. Howard, D. W. Howard, Isler, Johnson, Kubale, Lambert, McKinney, Melton, Miller, Mullins, Nunn, Ockerman, Parrish, Peace, Pollitte, Ratcliffe, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Tanner, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 0. **SB 198** was passed and the title agreed to.

Senate Message

Senate message announcing the passage of the following House Bills and House Resolutions: **HR 5** with two Senate amendments; **HR 7** with Senate amendment; **HR 8, HR 22, HR 37** with Senate amendment; **HB 18** with title amendment; **HB 20, HB 95, HB 208, HB 217, HB 223,** with Senate amendment; **HB 227, HB 253, HB 283, HB 285, HB 286, HB 297, HB 298, HB 299, HB 300, HB 322, HB 333, HB 334, HB 328, HB 329, HB 357, HB 365,** and **HB 467** read by the Clerk.

Orders of the Day

Representative Morgan moved that the House concur in the following amendment to **HR 5**: "Amend printed copy of HR 5, Page 1, by striking therefrom Paragraph 2, which reads: 'Whereas there is a vacancy in the position of Poet Laureate of Kentucky: and "On Page 2, Section 1, Line 2, inserting the letter "a" between the word "be" and "Poet." Adopted. Representative Morgan moved the Previous Question on **HR 5.** Agreed.

On roll call, the vote was yeas 76—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Bush, Carter, Caudill, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Everett, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Lambert, Mackey, Martin, McFadden, McKinney, Miller, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0.

Representative Morgan moved that the House concur in the following amendment to **HR 7**: "Amend printed copy of **HR 7**, Page 2, Section 2, Line 2, by striking therefrom the words 'twenty thousand dollars' and substituting therefor 'fifteen thousand dollars'. Adopted.

Representative Morgan moved the Previous Question on **HR 7**. Agreed.

On roll call, the vote was yeas 76—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Bush, Carter, Caudill, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Everett, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Lambert, Mackey, Martin, McFadden, McKinney, Miller, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0.

Representative Morgan moved that the House concur in the following amendment to **HR 37**: "Amend printed copy of **HR 37**, Page 2, Section 2, Line 2, by striking therefrom the words 'twenty thousand dollars' and substituting therefor 'fifteen thousand dollars'. Adopted. Represented Morgan moved the Previous Question on **HR 37**. Agreed.

On roll call, the vote was yeas 76—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Bush, Carter, Caudill, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Everett, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Lambert, Mackey, Martin, McFadden, McKinney, Miller, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0.

Representative Morgan moved that the House concur in the following amendment to **HB 18**: "Amend title of printed copy of **HB 18** to read as follows, 'This Act shall be known as a Burnley-McCann Bill.'" Adopted. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 76—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Bush, Carter, Caudill, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Everett, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Lambert, Mackey, Martin, McFadden, McKinney, Miller, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0.

Representative Morgan moved that the House concur in the following amendment to **HB 223**: "Amend the printed copy of **HB 223** on Page 2, Line 17, by adding after the word 'herein' the following:

'In the event the purchase is made in or the business is located in a city of the first or second class the reports required hereby shall be made to the police departments of such cities instead of the respective sheriffs.'" Adopted. Representative Morgan moved the Previous Question on **HB 223**. Agreed.

On roll call, the vote was yeas 76—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Bush, Carter, Caudill, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Everett, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Lambert, Mackey, Martin, McFadden, McKinney, Miller, Morgan, Mullins, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0.

Recess

Representative Wathen moved a fifteen-minute recess for Rules Committee meeting. Agreed.

At the appointed time, the Speaker called the House to order.

Orders of the Day

Representative Morgan moved adoption of: **SR 12, SR 22, SR 29, SR 30, SR 37, SR 45, SR 47, SR 55, SR 56, SR 60, SR 73.** Adopted by voice vote.

SB 199 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Hinkle moved to amend **SB 199** as follows:

"Amend printed copy of Senate Bill No. 199 on page 1, by adding immediately after the enacting clause, the following: 'This bill shall be known as the Richmond, Sullivan, Freeman, Overbey, Thomason, Hinkle, Flannery, Mackey, Conrad, Thomas, Hadden, Ratcliffe, Johnson, Moore, Anderson, Reed, Gullette, Highland, Hahn, Casey, Williamson, Blue, Grundy, Heskamp, Blankenship, Thompson, Wilson, Rayburn Act.'"

SB 199 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 77—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Carter, Caudill, Conrad, Cornett, Cottengim, Davidson, Dunsil, Everett, Flanery, Freeman, Greene, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Lambert, Mackey, Martin, McCallum, McFadden, McKinney, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0.—**SB 199** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 105 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 75—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Bush, Carter, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Flanery, Freeman, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hilton, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McCallum, McKinney, Melton, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 0. **SB 105** was passed and the title agreed to.

SB 212 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 75—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Bush, Carter, Conrad, Cornett, Cottengim, Davidson, Davis, Dunsil, Flanery, Freeman, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hilton, Hinkle, Holsclaw, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, Martin, McCallum, McKinney, Melton, Morgan, Mullins, Murphy, Newsom, Nunn, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wirsch, Young. Nays 0. **SB 212** was passed and the title agreed to.

SB 12 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 74—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Davidson, Davis, Day, Dunsil, Everett, Flanery, Greene, Grigsby, Grundy, Hadden, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hilton, Hinkle, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Lambert, Mackey, McKinney, Melton, Miller, Moore, Morgan, Mullins, Murphy Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Young. Nays 1—Hill. **SB 12** was passed and the title agreed to.

SB 11 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Ray moved to amend **SB 11** as follows: "Amend printed copy of Senate Bill 11 on page 2, section 1, line 22 by deleting therefrom the word 'ten' and substitute in lieu thereof, the word 'five'." Adopted.

SB 11 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 67—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Conrad, Cornett, Cottengim, Davidson, Davis, Day Everett, Fitzpatrick, Flanery, Greene, Grigsby, Gullette, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, C. S. Howard, D. W. Howard, Isler, Jennings, Johnson, Kubale, Martin, Melton, Miller, Moore, Morgan, Murphy, Newsom, Ockerman, Parrish, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, Weintraub, Williamson, Wilson, Wirsch, Young. Nays 14—Grundy Harris, Lambert, Mackey, McFadden, McKinney, Mullins, Peace, Pollitte, Rayburn, Saylor, Sloan, Thomas, L. B. Wells. **SB 11** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 100 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 61—Anderson, Barnum, Baumgardner, Billington, Blankenship, Breathitt, Bridgers, Buchanan, Burnley, Bush, Casey, Conrad, Davis, Everett, Fitzpatrick, Flanery, Freeman, Greene, Grundy, Gullette, Harris, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, McCallum, Melton, Miller, Moore, Morgan, Murphy, Newsom, Ockerman, Parrish, Pollitte, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, Searcy, Stith, Tanner, Thompson, Tinsley, Walsh, Wathen, Weintraub, A. W. Wells, L. B. Wells, Wilson, Wirsch, Young. Nays 15—Blue, Caudill, Hadden, Hahn, D. W. Howard, Lambert, Mackey, Martin, McFadden, Mullins, Peace, Rayburn, Saylor, Thomas, Williamson. **SB 100** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed by reconsidered and the motion laid on the table. Agreed.

SB 219 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 61—Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Casey, Conrad, Davis, Flanery, Freeman, Grundy, Gullette, Hahn, Harris, Hawkins Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, D. W. Howard, Isler, Jennings, Johnson, Lambert, Mackey, McCallum, McFadden, McKinney, Melton, Miller, Moore, Murphy, Newsom Ockerman, Parrish, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, R. Reid, Sr., Saylor, Sloan, Stith, Thomas, Tinsley, Walsh, Weintraub, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **SB 219** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 51 taken from Orders of the Day on recommendations of the Rules Committee. Representative Morgan moved that they be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 56—Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Caudill, Conrad, Cornett, Davis, Everett, Flanery, Freeman, Greene, Grigsby, Gullette, Hadden, Hahn, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, C. S. Howard, Isler, Jennings, Johnson, Mackey, McCallum, McFadden, McKinney, Melton, Miller, Mullins, Murphy, Ockerman, Parrish, Peace, Pollitte, Qualls, Ray, J. B. Reed, R. Reid, Sr., Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, A. W. Wells, Wilson, Wirsch, Young. Nays 5—D. W. Howard, Martin, Newsom, Saylor, Weintraub. **SB 51** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed by reconsidered and the motion laid on the table. Agreed.

Senate Message

Senate message announcing passage of **HB 214**, **HB 219**, **HB 278**, **HB 370**, and **HB 483**, read by the Clerk.

Introduction of Resolution

HR 59: by Representatives Breckinridge, Caudill, Day, Wilson, John B. Reed, Williamson, Melton, Parrish, Jennings, Gullette, Bridgers, Hinkle, Harris, Martin, Holsclaw, Ockerman:

A RESOLUTION memorializing Congress to reduce the tax burden on the major industries of the Commonwealth of Kentucky.

WHEREAS, the isolated imposition of inequitable and onerous tax burdens on the major industries of any State is patently contrary to sound public policy and principles of economics; and

WHEREAS, the imposition of burdensome taxes has not only an undesirable effect upon industry and the community, but also deprives the States of sources of desperately needed revenue; and

WHEREAS, two of the Commonwealth of Kentucky's major industries, distilling and tobacco, are presently burdened with unjust, unfair and economically unwise taxes by the Government of the United States; and

WHEREAS, it appears that, in the best interests of the citizens of this Commonwealth, as well as those of the other forty-seven states, relief from such special tax burdens should be granted; and

WHEREAS, such relief can only be afforded by appropriate action by the Congress of the United States of America.

NOW, THEREFORE,

Be resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States act in the exercise of its broad legislative powers to reduce, alleviate and distribute amongst the States, on an equitable basis, the pressing burden of taxes presently being borne by the distilling and tobacco industries in the Commonwealth of Kentucky.

Section 2. That copies of this resolution be sent by the Clerk of the House to the President and Chief Clerk of the Senate of the United States, the United States Senators from Kentucky, the Speaker and Chief Clerk of the House of Representatives of the United States, and the Representatives in Congress from Kentucky.

Representative Breckinridge moved adoption of **HR 59.** Adopted.

Orders of the Day

Representative Morgan moved adoption of **HR 9.** Adopted.

HR 9: A CONCURRENT RESOLUTION memorializing Congress to restore tobacco acreage allotments to their 1955 level.

WHEREAS, Agriculture is of highest importance to the economy of the Commonwealth of Kentucky;

WHEREAS, the production of tobacco is of first importance in the Agriculture of the Commonwealth;

WHEREAS, there has been drastic reduction of tobacco acreage over the past two years totaling about forty percent, resulting in considerable reduction in total farm production and causing hardship to the farmers in this Commonwealth;

WHEREAS, the total 1955 tobacco production has fallen far below the earlier crop estimates on which the 1956 allotments were based;

WHEREAS, there has been a favorable increase in consumption of cigarette tobacco over the past several months;

WHEREAS, it now appears that reductions in tobacco acreage allotments for 1956, made in November of 1955, are unwise and unnecessary;

WHEREAS, the United States Department of Agriculture is without authority to now correct its 1956 allotments to adjust to the several differences between the estimates and the facts; and

WHEREAS, failure to do everything possible to bring about the production of tobacco in amounts most suitable to the economy of tobacco marketing within the principles of the production control program of the federal government, would undermine confidence in the program and cause undue hardship on the farmers of the Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring thereins

Section 1. That the Congress of the United States is urged to act in the exercise of its broad legislative powers and in the performance of its specific duty under the Agricultural Adjustment Act of 1938, to correct the tobacco acreage allotments for 1956 determined on the basis of an erroneous estimate of the 1955 crop;

Section 2. That the Congress act in this regard by canceling the reductions in the tobacco acreage allotments for burley tobacco and restoring the burley allotments to their 1955 level as is made advisable by production statistics now available to the Department of Agriculture and to the Congress; and

Section 3. That the Clerk of the House of Representatives is directed to forward copies of this resolution to the President of the United States Senate and the Speaker of the United States House of Representatives, to each of the Senators and Representatives from

Kentucky now serving in the Congress, to the Secretary of Agriculture, United States, and to the President of the Kentucky Farm Bureau.

Representative Morgan moved adoption of **HR 11.** Adopted

HR 11: A CONCURRENT RESOLUTION memorializing Congress to restore tobacco acreage allotments to their 1955 level.

WHEREAS, Agriculture is of highest importance to the economy of the Commonwealth of Kentucky;

WHEREAS, the production of tobacco is of first importance in the Agriculture of the Commonwealth;

WHEREAS, there has been drastic reduction of tobacco acreage over the past two years totaling about forty percent, resulting in considerable reduction in total farm production and causing hardship to the farmers in this Commonwealth;

WHEREAS, the total 1955 tobacco production has fallen far below the earlier crop estimates on which the 1956 allotments were based;

WHEREAS, there has been a favorable increase in consumption of burley tobacco over the past several months;

WHEREAS, it now appears that reductions in tobacco acreage allotments for 1956, made in November of 1955, are unwise and unnecessary;

WHEREAS, the United States Department of Agriculture is without authority to now correct its 1956 allotments to adjust to the several differences between the estimates and the facts; and

WHEREAS, failure to do everything possible to bring about the production of tobacco in amounts most suitable to the economy of tobacco marketing within the principles of the production control program of the federal government, would undermine confidence in the program and cause undue hardship on the farmers of the Commonwealth;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Congress of the United States is urged to act in the exercise of its broad legislative powers and in the performance of its specific duty under the Agricultural Adjustment Act of 1938, to correct the tobacco acreage allotments for 1956 determined on the basis of an erroneous estimate of the 1955 crop;

Section 2. That the Congress act in this regard by canceling the reductions in the tobacco acreage allotments for burley tobacco and restoring the burley allotments to their 1955 level as is made advisable by production statistics now available to the Department of Agriculture and to the Congress; and

Section 3. That the Clerk of the House of Representatives is directed to forward copies of this resolution to the President of the United States Senate and the Speaker of the United States House of Representatives, to each of the Senators and Representatives from Kentucky now serving in the Congress, to the Secretary of Agriculture, United States, and to the President of the Kentucky Farm Bureau.
Representative Morgan moved adoption of **HR 31.** Adopted.

Representative Morgan moved adoption of **HR 36.** Adopted.

Representative Morgan moved adoption of **HR 38.** Adopted.

Representative Morgan moved adoption of **HR 45.** Adopted.

HR 45: A CONCURRENT RESOLUTION expressing appreciation to the University of Louisville and City of Louisville and Jefferson County officials.

WHEREAS, the members of the Senate and House of Representatives were guests of the University of Louisville, the City of Louisville and Jefferson County last evening; and

WHEREAS, eight busses were provided to transport the members of the General Assembly to the City of Louisville; and

WHEREAS, legislators were provided a guided tour of Louisville General Hospital; and

WHEREAS, the members of the General Assembly were invited to survey the facilities and review the work being done at Children's Hospital; and

WHEREAS, the University of Louisville provided a tour of its Medical School with emphasis being placed on the work of the Medical Research Commission; and

WHEREAS, the members of the Legislature were afforded an opportunity to see the results of research in medicine, surgery, and allied sciences carried forward during the last biennium and supported by a six hundred thousand dollar appropriation made to the Medical Research Commission by the General Assembly in its 1954 Regular Session; and

WHEREAS, members of the Senate and House of Representatives were guests at a banquet given in their honor by the Medical School of the University of Louisville; and

WHEREAS, the University of Louisville was host to the legislative delegation for the thrilling basketball contest between the University of Louisville and the University of Toledo.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring thereins

That the General Assembly of the Commonwealth of Kentucky hereby expresses its grateful appreciation to the University of Louisville, the City of Louisville and Jefferson County for their warm hospitality and for the delightful and instructive program arranged in its honor.

Representative Morgan moved to adjourn until 10 A. M., February 18. Agreed.

SATURDAY, FEBRUARY 18, 1956

THIRTY-EIGHT LEGISLATIVE DAY

The House was called to order by Speaker Fitzpatrick.

Invocation by Reverend Edward L. Tullis, First Methodist Church, Frankfort.

Roll call showed all present except Beshear, Casey, Davidson, Everett, Freeman, Gay, Greene, D. W. Howard, Kubale, Lowman, Nunn, Nunnelley, Ratcliffe, V. Reed, Reynolds, Wathen, who were granted leave of absence on motion of Representative Morgan.

Representative Isler moved that reading of February 17 Journal be dispensed with and that the same be approved. Agreed.

Representative Morgan moved the adoption of **HR 57.** Agreed.

HR 57, by Representative Mullins:

A RESOLUTION regarding the proposal of a constitutional amendment.

WHEREAS, for many years, throughout the nation and within this Commonwealth, there has been widespread public interest in, and discussion of, a veterans bonus, and

WHEREAS, such bonuses have been voted by 21 states of this nation, and

WHEREAS, House Bill 100, amending the constitution to enable a majority of voters to authorize issuing bonds for a veterans bonus, had sixty sponsors in the House of Representatives, and passed by a vote of 79 to 2, and

WHEREAS, an article on the editorial page of a daily newspaper, The Courier-Journal, issue of February 11, 1956, contemptuously styled that action "a cynical vote"; "an exercise in cynicism"; and, a "compromise with principle"; thereby, impugning the motive, attacking the integrity, and questioning the honesty of the 79 members of the House voting for the bill, and

WHEREAS, by further sarcastic, sneering, and scornful language, the whole procedure was labelled a cynical and empty gesture toward the intended beneficiaries "for the sake of recording a vote that might win friends among the naive or unthinking veterans among their constituents," thereby reflecting upon the intelligence and integrity of every veteran in Kentucky, 350,000 in number, who with their families comprise 40 per cent of the population and must bear their share of the taxes, and

WHEREAS, the whole tenor and content of the cited article was of such reprehensible and vituperative nature as to bring contempt upon, lessen respect for, lower esteem of, and destroy public confidence in the dignity and autonomy of a legislative body of a sovereign state; thus, undermining the very foundations of our representative government, and threatening the peace and happiness, safety and welfare of our people.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky: That the responsible party, or parties, be called upon to repudiate and retract the libelous misrepresentations and false implications publicized by the article cited herein, and that this House now proclaims the purity of its motive, the sincerity of its intention, and the integrity of its purpose in passing House Bill 100, and re-affirm its considered judgment that the amendment proposed therein should be submitted to the voters of the State for their ratification or rejection at the next general election for members of the House of Representatives.

Report on Enrolled Bills

The Committee on Enrollment reported that **HB 467, HB 483, HR 7, HR 37, HB 463, HB 404, HB 389, HB 278, HB 221, HB 219, HB 223, HB 214, HB 217, HB 208, HB 87, HB 28, HB 18, HB 7, HB 357, HB 370, HB 302, HB 151, HB 95, HB 362, HB 365, HB 255** had been examined and found correctly enrolled. Said Bills and Resolutions read at length, compared, and signed in open session by the Speaker of the House. Ordered that the original and enrolled copies be delivered to the Senate.

HB 467, HB 483, HR 7, HR 37, HB 463, HB404, HB 389, HB 278, HB 221, HB 219, HB 223, HB 214, HB 217, HB 208, HB 87, HB 28, HB 18, HB 7, HB 357, HB 370, HB 302, HB 151, HB 95, HB 362, HB 365, HB 255 delivered, signed by the President of the Senate. Ordered delivered to the Governor.

Orders of the Day

SB 95 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 70—Anderson Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Cottengim, Day, Dunsil, Everett, Farmer, Flanery, Greene, Griffin, Grigsby, Gullette, Hadden, Hahn, Hawkins, Heskamp, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Johnson, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Pollitte, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tanner, Tinsley, A. W. Wells, Williamson, Wilson, Young. Nays 0. **SB 95** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 182 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 71—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davis, Everett, Farmer, Flanery, Greene, Grigsby, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Johnson, Lowman, Mackey, Martin, McCallum, McFadden, McKinney, Miller, Moore, Morgan, Mullins, Newsom, Ockerman, Parrish, Peace, Pollitte, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Tinsley, Wathen, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **SB 182** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 205 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 71—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davis, Day, Everett, Farmer, Flanery, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Hislope, C. S. Howard, Isler, Kubale, Mackey, Martin, McCallum, McKinney, Miller, Moore, Morgan, Mullins, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Stith, Tanner, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. **SB 205** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 226 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 51—Anderson, Barnum, Baumgardner, Billington, Blankenship, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Caudill, Conrad, Cornett, Cottengim, Day, Everett, Fitzpatrick, Flanery, Gay, Grigsby, Gullette, Harris, Hawkins, Heyburn, Highland, Hinkle, Holsclaw, Isler, Johnson, Kubale, Mackey, McCallum, Melton, Morgan, Mullins, Ockerman, Parrish, Qualls, Ray, J. B. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Tanner, Tinsley, Walsh, Wathen, L. B. Wells, Wirsch, Young. Nays 14—Blue, Dunsil, Embry, Griffin, Grundy, Hill, Hislope, Martin, McFadden, McKinney, Peace, Pollitte, Saylor, Thomas. **SB 226** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 101 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Ray moved the Previous Question. Agreed.

On roll call, the vote was yeas 53—Anderson, Barnum, Baumgardner, Billington, Breathitt, Buchanan, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Dunsil, Embry, Everett, Farmer, Flanery, Greene, Griffin, Grigsby, Gullette, Hawkins, Highland, Hill, Hilton, C. S. Howard, Isler, Johnson, Martin, McFadden, McKinney, Morgan, Mullins, Newsom, Parrish, Peace, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Sloan, Tanner, Tinsley, Walsh, Williamson, Wirsch, Young, Nays 10—Blankenship, Burnley, Hinkle, Mackey, Pollitte, Saylor, Thomas, Wathen, Weintraub, L. B. Wells. **SB 101** was passed and the title agreed to.

Representative Breathitt moved that the vote by which **SB 101** was passed be reconsidered and the bill be laid on Clerk's desk. Agreed.

SB 16 taken from the Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Isler moved the Previous Question. Agreed.

On roll call, the vote was yeas 68—Anderson, Barnum, Baumgardner, Billington, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Embry, Everett, Farmer, Flanery, Greene, Griffin, Grigsby, Grundy, Gullette, Hahn, Harris, Heyburn, Highland, Hill, Hinkle, Hislope, Isler, Jennings, Johnson, Martin, McCallum, McKinney, Melton, Miller, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Sloan, Stith, Tinsley, Walsh, Wathen, A. W. Wells, L. B. Wells, Williamson, Wilson, Wirsch. Nays—Mackey, McFadden, Pollitte, Saylor. **SB 16** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 75 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Burnley moved the Previous Question. Agreed.

On roll call, the vote was yeas 59—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Embry, Farmer, Flanery, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hinkle, Holsclaw, Isler, Johnson, Lowman, Martin, McFadden, Moore, Morgan, Mullins, Newsom, Ockerman, Parrish, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, R. Reid, Sr., Sloan, Stith, Thomas, Tinsley, Walsh, Wathen, A. W. Wells, Wirsch, Young. Nays 7—Griffin Hislope, Jennings, Mackey, Peace, L. B. Wells, Wilson. **SB 75** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 172 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 52—Anderson, Barnum, Baumgardner, Billington, Blankenship, Blue, Breckinridge, Bridgers, Burnley, Bush, Casey, Conrad, Cornett, Cottengim, Davis, Dunsil, Everett, Farmer, Flanery, Greene, Grigsby, Gullette, Hadden, Hahn, Hawkins, Heyburn, Highland, Hilton, Holsclaw, Isler, Lowman, Mackey, McFadden, Mullins, Ockerman, Parrish, Pollitte, Qualls, Ratcliffe, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Stith, Thomas, Tinsley, Walsh, A. W. Wells, Young. Nays 8—Buchanan, Caudill, Hill, Hislope, C. S. Howard, Martin, Newsom, J. B. Reed. **SB 172** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 136 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Isler moved the Previous Question. Agreed.

On roll call, the vote was yeas 46—Anderson, Barnum, Billington, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Caudill, Conrad, Cottengim, Davidson, Davis, Dunsil, Embry, Greene, Grigsby, Grundy, Gullette, Hadden, Harris, Heyburn, Highland, Hilton, Hinkle, Holsclaw, Isler, Johnson, Kubale, Lambert, Miller, Moore, Mullins, Newsom, Parrish, Qualls, Ray, Searcy, Sloan, Thompson, Tinsley, Walsh, Wathen, L. B. Wells, Wirsch. Nays 17—Baumgardner, Blankenship, Blue, Casey, Everett, Flanery, Hawkins, C. S. Howard, Martin, Pollitte, J. B. Reed, V. Reed, R. Reid, Sr., Stith, Tanner, Thomas, Young. **SB 136** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the Clerk's desk. Agreed.

Representative Thompson introduced Dr. J. T. Dorris, Professor of History, retired, of Eastern State College, who presented the Speaker with a gavel made of wood from the historic Boone sycamore tree, Boonesboro.

Recess

Representative Morgan moved to recess for 30 minutes. Agreed.

The Speaker resumed the chair at the appointed time and called the House to order.

Orders of the Day

SB 116 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Billington moved to amend **SB 116** as follows:

"Amend printed copy of Senate Bill No. 116 (In House) on page 2, by adding a new section at the end thereof. It is known as Section 2 and is to read as follows:

Section 2. KRS 291.150 is hereby amended to read as follows:

No company organized under KRS 291.120 shall:

(1) Hold at any one time the obligation or obligations of any person, firm or corporation for more than two thousand dollars under the provisions of KRS 291.140. In addition any such company may make loans in excess of two thousand dollars but not to exceed five thousand dollars, and as to the amount of any such loan in excess of two thousand dollars, such loan shall be made under the terms and subject to all of the restrictions, provisions and limitations under KRS 287.215.

(2) Make any loans for a longer period than three years and thirty two days.

(3) Deposit any of its funds with any bank or trust company unless such bank or trust company has been designated as such depository by vote of the majority of the directors or of the executive committee, exclusive of any director who is an officer, director or trustee of the depository so designated.

(4) Any company chartered under CHAPTER 291 KRS which violates any of the provisions of KRS 291.120 or KRS 287.215 shall, in addition to the penalties provided for in KRS 287.215, be subject to a fine by the Commissioner of Banking of not less than ten dollars nor more than two hundred and fifty dollars for each violation." Adopted.

SB 116 read at length the third time as amended. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 65—Anderson, Barnum, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Bush, Carter, Caudill, Conrad, Cornett, Cottengim, Dunsil, Embry, Everett, Farmer, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Highland, Hill, Hinkle, Hislope, C. S. Howard, Isler, Jennings, Johnson, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, Melton, Moore, Morgan, Mullins, Newsom, Parrish, Qualls, Ratcliffe, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Sloan, Stith, Thomas, Thompson, Tinsley, Weintraub, A. W. Wells, Wilson, Wirsch, Young. Nays 1—J. B. Reed. **SB 116** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 73 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 70—Anderson, Barnum, Bates, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Everett, Farmer, Greene, Griffin, Grigsby, Grundy, Gullette, Hahn, Harris, Hawkins, Heskamp, Heyburn, Highland, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Lambert, Mackey, Martin, McCallum, McFadden, Melton, Moore, Morgan, Mullins, Newsom, Parrish, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, Reynolds, Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, A. W. Wells, Williamson, Wilson, Wirsch. Nays 0. **SB 73** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 194 taken from Orders of the Day on recommendation of the Rules Committee. Representative. Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 60—Anderson, Barnum, Baumgardner, Billington, Blankenship, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Casey, Caudill, Cornett, Cottengim, Day, Dunsil, Everett, Farmer, Grundy, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Lambert, Mackey, Martin, McFadden, Melton, Moore, Morgan, Mullins, Murphy, Parrish, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, R. Reid, Sr., Reynolds, Searcy, Sloan, Tanner, Thomas, Thompson, Tinsley, Walsh, A. W. Wells, Williamson, Wilson, Young. Nays 0. **SB 194** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 98 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Caudill moved the Previous Question. Agreed.

On roll call, the vote was yeas 78—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Everett, Farmer, Flanery, Freeman, Greene, Grigsby, Grundy, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hinkle, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Peace, Pollitte, Qualls, Ray, Rayburn, V. Reed, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Tinsley, Walsh, Wathen, Weintraub, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays. 0. **SB 98** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

Report on Enrolled Bills

The Committee on Enrollment reported that **HB 406, HB 298, HB 299, HB 300, HB 301, HB 20, HB 227, HB 253, HB 283, HB 285, HB 334, HB 333, HB 329, HB 328, HB 322, HB 286, HB 297, HR 5, HR 8, HR 22** had been examined and found correctly enrolled. Said Bills and Resolutions read at length, compared, and signed in open session by the Speaker of the House. Ordered that the original and enrolled copies be delivered to the Senate.

HB 406, HB 298, HB 299, HB 300, HB 301, HB 20, HB 227, HB 253, HB 283, HB 285, HB 334, HB 333, HB 329, HB 328, HB 322, HB 286, HB 297, HR 5, HR 8, HR 22 delivered, signed by President of the Senate. Ordered delivered to the Governor.

Orders of the Day

SB 24 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Lowman moved to amend **SB 24** as follows:

"Amend printed copy of Senate Bill No. 24 on page 2 section 1, line 36 through 41 inclusive by deleting lines 36 through 41 inclusive, sub-section (10) of Section 1 on page 2 and substituting in lieu thereof the following:

(10) "Needy permanently and totally disabled" means a person eighteen (18) years of age or older who has a permanent physical or mental impairment, disease or loss that precludes him from engaging in useful occupations within his competence and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health." Adopted.

"Amend printed copy of Senate Bill No. 24. "On page 4, section 2, line 16 by deleting the word "an" and substituting and adding the words 'a medical' following the word 'in' and preseding the word 'institution'. As amended the said line 16 will read: 'culosis or psychosis and is a patient in a medical institution as a result". Adopted.

"Amend printed copy of Senate Bill No. 24. "On page 4 and 5, section 2, line 35 through 47 inclusive, by deleting lines 35 through 47 inclusive, sub-section (6) (a) (b) of Section 2 and substituting in lieu thereof the following:

(6) A needy aged person, a needy blind person, a needy child or a needy permanently and totally disabled person shall not be eligible to receive a public assistance grant unless he is a resident of this state at the time of receiving aid, and has been a resident of this state for such period of time prior thereto as is prescribed by regulation." Adopted.

"Amend printed copy of Senate Bill No. 24. On page 6 and 7, section 5, line 1 through 23 inclusive, by deleting all of Section 5, lines 1 through 23 inclusive, on pages 6 and 7." Adopted.

"Amend printed copy of Senate Bill No. 24. On page 1, by adding immediately following the enacting clause, the following: "This bill shall be known as the Van Hoose—Warriner—Jennings—Rayburn—McFadden—Davidson—Lambert—Lowman Act." Adopted.

SB 24 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 71—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Carter, Casey, Caudill, Conrad, Cornett, Davidson, Day, Dunsil, Everett, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hahn, Hawkins, Heyburn Highland, Hill, Hislope, C. S. Howard, Isler, Jennings, Johnson, Lambert, Lowman, Mackey, Martin, McFadden, Melton, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Tanner, Thomas, Thompson, Weintraub, A. W. Wells, Williamson, Wilson, Wirsch, Young. Nays 0. SB 24 was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 229 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length for the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 58—Anderson, Barnum, Baumgardner, Billington, Blankenship, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Casey, Caudill, Conrad, Cornett, Dunsil, Everett, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Highland, C. S. Howard, Isler, Johnson, Kubale, Mackey, Martin, McFadden, Melton, Morgan, Mullins, Ockerman, Parrish, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Wathen, Weintraub, Wirsch, Young. Nays 2—Day, Williamson. **SB 229** was passed and the title agreed to.

SB 236 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length for the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 58—Anderson, Barnum, Baumgardner, Billington, Blankenship, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Casey, Caudill, Conrad, Cornett, Dunsil, Everett, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Hawkins, Heyburn, Highland, C. S. Howard, Isler, Johnson, Kubale, Mackey, Martin, McFadden, Melton, Morgan, Mullins, Ockerman, Parrish, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Wathen, Weintraub, Wirsch, Young. Nays 2—Day, Williamson. **SB 236** was passed and the title agreed to.

SB 218 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call,, the vote was yeas 55—Anderson, Barnum, Bates, Baumgardner, Billington, Blankenship, Bridgers, Burnley, Bush, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Everett, Farmer, Fitzpatrick, Flanery, Greene, Grigsby, Gullette, Hahn, Harris, Hawkins, Highland, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Mackey, Miller, Moore, Morgan, Murphy, Parrish, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, H. V. Reid, Searcy, Sloan, Stith, Thomas, Thompson, Tinsley, Walsh, Wathen, Weintraub, Young. Nays 19—Breathitt, Breckinridge, Buchanan, Caudill, Day, Embry, Freeman, Griffin, Grundy, Hadden, Heyburn, Hislope, Jennings, Lambert, Martin, Ockerman, R. Reid, Sr., Saylor, Tanner. **SB 218** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

Senate Message

Senate message announcing the passage of **HB 165, HB 218, HB 247, HB 363, HB 488, HB 77, HB 158, HR 6, HR 10, HR 14, HR 17, HR 20, HR 24, HR 28, HR 29** with amendments, **HR 34** with amendments, **HR 42** with amendments, **HR 9, HR 11, HR 36, HR 45, HR 54, HR 56, HR 58, SR 58, SR 70, SR 74, HB 516** with amendments, read by the Clerk.

Orders of the Day

SB 237 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage.

Representative Mackey moved to amend **SB 237** as follows: "Amend printed copy of SB 237 on page 1, section 1, line 3 strike out the words 'Two Hundred Thousand Dollars,' and substituting in lieu thereof the words, 'Fifty Thousand Dollars.'" Adopted.

SB 237 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 9—Bridgers, Day, Heyburn, Mackey, Miller, Murphy, J. B. Reed, Tanner, Weintraub. Nays 70—Bates, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Embry, Everett, Farmer, Flanery, Freeman, Greene, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Hawkins, Heskamp, Highland, Hill, Hilton, Hinkle, Hislope, Holsclaw, C. S. Howard, Isler, Johnson, Lambert, Lowman, Martin, McCallum, McFadden, Melton, Mullins, Ockerman, Parrish, Pollitte, Ratcliffe, Ray, Rayburn, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Thomas, Thompson, Tinsley, Walsh, Wathen, Williamson, Wilson, Wirsch, Young. **SB 237** was defeated.

Report on Enrolled Bills

The Committee on Enrollment reported that **HB 158, HB 77, HB 165, HB 218, HB 247, HB 363, HB 488, HR 6, HR 10, HR 28, HR 24, HR 20, HR 14, HR 17** had been examined and found correctly enrolled. Said Bills read at length, compared, and signed in open session by the Speaker. Ordered that the original and enrolled copies be delivered to the Senate.

HB 158, HB 77, HB 165, HB 218, HB 247, HB 363, HB 488, HR 6, HR 10, HR 28, HR 24, HR 20, HR 14, HR 17 delivered, signed by President of the Senate. Ordered delivered to the Governor.

Orders of the Day

Representative Morgan moved to take **SB 136** from Clerk's desk and place on passage. Agreed.

Representative Thompson moved to amend **SB 136** as follows:

"Section 26. A new section of Chapter 150 of Kentucky Revised Statutes is created to read as follows:

For the purpose of encouraging and developing public interest in wild life and carrying out the policy of the Commonwealth of Kentucky under this Chapter 150 of Kentucky Revised Statutes, the Department of Fish and Wild Life Resources Commission, as a state agency, and based upon investigations and recommendations of the Commissioner, is hereby authorized to acquire lands including any improvements thereon by purchase, condemnation or lease from the

State Property and Buildings Commission or from others, and partly by any or all of such means, and to thereafter establish, improve, maintain, and operate public shooting and fishing grounds and similar or related recreational facilities thereon, and for the purpose of paying the cost of any such purchase or condemnation and the maintenance and operation expenses may use and apply any funds available for that purpose. The payments under each such lease shall be deemed an administrative and operating expense of the Department, and such payments may be secured by a pledge of and made from all or any part of the funds coming under the control of the Department including the Game and Fish Fund, as may be provided and specified in the lease. The Commissioner with the approval of the Commission may sublease any lands and improvements thereon acquired under the provisions of this Act for agricultural or for any purpose deemed by the Commission to be incidental or beneficial to the maintenance and operation of the balance of said lands and improvements for the purpose herein stated. The Commission may impose and enforce special regulations in the maintenance and operation of the facilities acquired under the provisions of this section and charge such rates as may be deemed fair and reasonable for the use of and participation of the public in the facilities and lease payments aforesaid may be made a first charge on the income and revenues from the maintenance and operation of the facilities and from the sublease of any portion thereof, to be supplemented with any other funds available for that purpose." Adopted.

SB 136 read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 49—Barnum, Baumgardner, Billington, Breckinridge, Buchanan, Burnley, Bush, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Everett, Freeman, Grigsby, Gullette, Hadden, Hahn, Harris, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, Johnson, Mackey, Martin, McCallum, Melton, Miller, Moore, Morgan, Mullins, Murphy, Parrish, Qualls, Rayburn, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Stith, Thomas, Thompson, Tinsley, A. W. Wells, Wirsch. Nays 7—Flanery, Greene, C. S. Howard, Pollitte, Ray, V. Reed, Young. **SB 136** was passed and the title agreed to.

HR 42 taken from the Clerk. Representative Morgan moved that the House concur in the following Senate amendment:

"Amend printed copy of **HR 42**, on Page 2, Section 2, Line 2 by striking out the words 'twenty-five thousand dollars' and substituting therefor the words 'fifteen thousand dollars.'" Adopted.

Representative Morgan moved the Previous Question on **HR 42**. Agreed.

On roll call, the vote was yeas 68—Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Embry, Flanery, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Heyburn Highland Hill Hinkle, Holsclaw, Isler, Jennings, Johnson, Mackey, McCallum, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Pollitte, Qualls, Ratcliffe, Ray, Reyburn, V. Reed, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, Williamson, Wilson, Wirsch. Nays 0. **HB 42** was passed and the title agreed to.

HR 29 taken from the Clerk. Representative Morgan moved that the House concur in the following Senate amendment:

"Amend printed copy of **HR 29** on Page 2 Section 2, Line 2 by striking the words 'twenty thousand dollars' and inserting in lieu thereof the words 'fifteen thousand dollars.'" Adopted.

Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 67—Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Embry, Flanery, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Heyburn Highland Hill Hinkle, Holsclaw, Isler, Jennings, Johnson, Mackey, McCallum, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Pollitte, Qualls, Ratcliffe, Ray, Reyburn, V. Reed, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, Williamson, Wilson, Wirsch. Nays 0. **HR 29** was passed and the title agreed to.

HR 34 taken from the Clerk. Representative Morgan moved that the House concur in the following Senate amendment:

"Amend printed copy of **HR 34** on Page 2, Section 2, Line 1 by striking out 'twenty-five thousand dollars' and inserting therein 'ten thousand'." Adopted.

Representative Morgan moved the Previous Question. Agreed.

On roill call, the vote was yeas 67—Barnum, Baumbardner, Billington, Blankenship, Blue, Breathitt, Bridgers, Buchanan, Burnley, Bush, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Embry, Flanery, Freeman, Gay, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Heyburn, Highland, Hill, Hinkle, Holsclaw, Isler, Jennings, Johnson, Mackey, McCallum, Melton, Miller, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, V. Reed, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Thompson, Tinsley, Walsh, Wathen, A. W. Wells, Williamson, Wilson, Wirsch. Nays 0. **HR 34** was passed and the title agreed to.

Representative Morgan moved adoption of **SR 9**. Adopted.

SR 9, A JOINT RESOLUTION memorializing the Congress of the United States to reduce the age of qualification for the benefits of the "Old Age Assistance" program from 65 years to 60 years of age.

WHEREAS, by the "Old Age Assistance" program as defined under the Social Security Act passed August 14, 1935 (Chap. 531, 49 Stat. 622; U.S.C.A. Title I, Sec. 6) and its amendments, August 10, 1939 (Chap. 666, 53 Stat. 1362, U.S.C.A. Title I, Sec. 103) and August 28, 1950 [Chap. 809, 64 Stat. 549, U.S.C.A. Title III, Pt. 1, Sec. 303 (a)], benefits under this program are limited to individuals who have attained the age of 65 years; and

WHEREAS, there are many individuals deserving of the benefits of this program who are not eligible therefor because of their inability to meet the age requirement; and

WHEREAS, it is desirable that the benefits of this program be made available to as many deserving individuals as possible.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the General Assembly of the Commonwealth of Kentucky in regular session assembled, the Senate and House concurring, memorializes the 84th Congress of the United States to amend the Social Security Act as it pertains to "Old Age Assistance" to include those individuals who have attained the age of 60 years.

Section 2. That the Senators and Representatives of Kentucky in the 84th Congress are urged to introduce and support legislation to accomplish the foregoing.

Section 3. That copies of this memorial, duly authenticated, be sent by the Clerk of the Senate to the President and Chief Clerk of the Senate of the United States, the United States Senators from Kentucky, the Speaker and Chief Clerk of the House of Representatives of the United States, and the Representatives in Congress from Kentucky.

Representative Morgan moved adoption of **SR 10.** Adopted.

SR 10, A JOINT RESOLUTION memorializing the Congress of the United States to reduce the "Retirement Age," as defined for eligibility for the benefits of the Social Security Act, from 65 to 60 years of age.

WHEREAS, by the terms of the Social Security Act as passed August 14, 1935 (Chap. 531, U.S.C.A. Title II, Sec. 216 (a) the "Retirement Age" is specifically set out as being 65 years of age; and

WHEREAS, there are many individuals deserving of the benefits of this program who are not eligible therefor because they have not attained the "Retirement Age" of 65 years; and

WHEREAS, it is desirable that the benefits of this program be made available to as many deserving individuals as possible.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the General Assembly of the Commonwealth of Kentucky in regular session assembled, the Senate and House concurring, memorializes the 84th Congress of the United States to amend the Social Security Act and the "Retirement Age" thereunder, making eligible for the retirement benefits those individuals who have attained the age of 60 years.

Section 2. That the Senators and Representatives of Kentucky in the 84th Congress are urged to introduce and support legislation to accomplish the foregoing.

Section 3. That copies of this memorial, duly authenticated, be sent by the Clerk of the Senate to the President and Chief Clerk of the Senate of the United States, the United States Senators from Kentucky, the Speaker and Chief Clerk of the House of Representatives of the United States, and the Representatives in Congress from Kentucky.

Representative Morgan moved adoption of **SR 53.** Adopted.

SR 53, A CONCURRENT RESOLUTION petitioning the Secretary of Defense to designate one of the Nation's unknown dead of World War II as the unknown soldier of said war and to make arrangements for his final entombment.

WHEREAS, the unknown soldier of World War I, symbol of the many who died in that great struggle whose identities were impossible of ascertainment, rests in an honored spot of appropriate and symbolic dignity and beauty in Arlington National Cemetery; and

WHEREAS, it appears desirable that the unknown dead of World War II be similarly honored by the selection of one of their number as symbolic of all and by the designation of an appropriate spot as a site of his final entombment; and

WHEREAS, the citizens of the Commonwealth of Kentucky in common with the citizens of the other states of this great nation, feel that such a shrine is most appropriate and fitting as a memorial to all who have selflessly given their lives that this nation might remain free, and who, because their names are unknown cannot be honored individually; and

WHEREAS, such a shrine would not only be a lasting memorial to our unknown dead but would also serve as another reminder that the price of freedom with all its blessings, is constant and eternal vigilance, preparedness and willingness to make the supreme sacrifice;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That the Secretary of Defense of the United States of America designate one of the casualties of World War II, whose name is not known, as the unknown soldier of World War II.

Section 2. That an appropriate site be selected for the final resting place of such unknown soldier and that he be interred therein with full military ceremonies.

Section 3. That a suitable memorial structure be erected similar to that which marks the spot of the final resting place of the unknown soldier of World War I.

Section 4. That the clerk of the Senate of the Commonwealth of Kentucky cause copies of this resolution to be sent to the Honorable Charles E. Wilson, Secretary of Defense of the United States and to each member of the congressional delegation from Kentucky.

Representative Morgan moved adoption of **SR 58.** Adopted.

SR 58, A RESOLUTION authorizing and directing the Legislative Research Commission to make, or have made a study of the costs, benefits and coverage of the Kentucky Teacher's Retirement System as compared to that which might be available to teachers under the Retirement System for Employes of the Commonwealth of Kentucky.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Legislative Research Commission is directed to look into and ascertain the costs and benefits of the present Kentucky Teacher Retirement System compared with coverage of the public school teachers of Kentucky by the Retirement System for State employes. The latter combines a state retirement system with Social Security. Said study is to be made for the purpose of securing information essential to future legislation to secure coverage of teachers by the Federal Old Age and Survivors Insurance (Social Security) without loss or impairment of their state retirement.

Section 2. The Legislative Research Commission shall, for purposes of estimating the cost of teacher coverage by the Retirement System for State Employes, assume that the accumulated reserve fund of the present Kentucky Teacher Retirement System would be set aside and put in a special fund for the payment of retirement benefits to teachers; further they shall assume that said fund would be turned over to administrators of the Retirement System for State Employes to be used only for the payment of retirement benefits to teachers.

Representative Morgan moved adoption of **SR 62.** Adopted.

Representative Morgan moved adoption of **SR 68.** Adopted.

Representative Morgan moved adoption of **SR 70.** Adopted.

SR 70, A JOINT RESOLUTION providing for the naming of the Micropterus punctulatus "Kentucky Bass" as the official fish of the Commonwealth of Kentucky.

WHEREAS, the Kentucky Bass, a fish of the species Micropterus punctulatus, is native to the streams of the Commonwealth of Kentucky and was initially found in waters of the Commonwealth, and

WHEREAS, the Kentucky Bass is universally acclaimed for its gameness and fighting qualities and also as a dish prized by connoisseurs of fine foods, and

WHEREAS, it appears desirable that this fish be recognized as one of the more valuable inhabitants of Kentucky streams and waters, and

WHEREAS, it appears that many people are unaware of the distinction which should be made between the Kentucky Bass and the other Black Basses, and

WHEREAS, it appears desirable that this distinction be maintained and impressed with vigor upon the uninitiated,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Micropterus punctulatus, "Kentucky Bass" be and is hereby designated as the official fish of the Commonwealth of Kentucky.

Representative Morgan moved adoption of **SR 74.** Adopted.

SR 74, A RESOLUTION urging the Congress of the United States to enact legislation reducing the Federal tax on whiskey.

WHEREAS, the Commonwealth of Kentucky is in dire need of additional revenue with which to afford its citizens the necessary governmental services; and

WHEREAS, a reduction in the Federal tax on whiskey from ten dollars and fifty cents per gallon to nine dollars per gallon would present an opportunity for the Commonwealth to levy additional taxes on the whiskey industry for the benefit of its citizens; and

WHEREAS, such reduction in Federal taxes can only be accomplished by legislative action by the Congress of the United States;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States act, in the exercise of its broad legislative powers, to reduce the Federal tax on whiskey from ten dollars and fifty cents per gallon to nine dollars per gallon.

Section 2. The Clerk of the Senate of the General Assembly of the Commonwealth of Kentucky shall transmit copies of this resolution to all U. S. Senators and Congressmen from Kentucky.

SB 234 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 51—Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Casey, Caudill, Cornett, Cottengim, Davidson, Davis, Embry, Flanery, Greene, Grigsby, Grundy, Gullette, Hahn, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Jennings, Johnson, Mackey, Martin, Miller, Morgan, Mullins, Murphy, Newsom, Parrish, Pollitte, Qualls, Ratcliffe, Ray, H. V. Reid, R. Reid, Sr., Searcy, Stith, Tinsley, Williamson. Nays 0. **SB 234** was passed and the title agreed to.

SB 23 taken from the Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 52—Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Casey, Conrad, Cornett, Cottengim, Davis, Embry, Everett, Farmer, Flanery, Freeman, Greene, Grigsby, Grundy, Hadden, Hahn, Heyburn, Highland, Hill, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Mackey, Martin, McCallum, Melton, Morgan, Murphy, Parrish, Pollitte, Qualls, Ratcliffe, Ray, J. B. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Sloan, Wilson, Wirsch. Nays 0. **SB 23** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 145 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Read at length for the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 73—Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Carter, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Embry, Everett, Farmer, Freeman, Griffin, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Kubale, Lambert, Lowman, Mackey, McCallum, McKinney, Melton, Miller, Moore, Morgan, Mullins, Newsom, Ockerman, Parrish, Pollitte, Qualls, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Walsh, Wathen, A. W. Wells, Wilson, Wirsch, Young. Nays 0. **SB 145** was passed and the title agreed to.

HB 516 taken from the Clerk. Representative Morgan moved that it be placed on passage. Agreed. Representative Morgan moved that the House concur in the following Senate Amendment:

"Amend printed copy of **HB 516**, Page 1, Section (1), line 7, by deleting the word 'twenty' and inserting in lieu thereof the word 'ten'."

Amend printed printed copy of **HB 516**, Page 1, Section 1 (2), Line 12, by deleting the word 'twenty' and inserting in lieu therof the word 'ten'.

Amend printed copy of **HB 516**, Page 2, Section 2 (1), Line 6, by deleting the word 'twenty' and inserting in lieu thereof the word 'ten'." Said amendment was disagreed to by voice vote.

Representative Morgan moved that the Speaker appoint a Conference Committee to inform the Senate of non-concurrence by House. Agreed.

SB 203 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Wathen moved that it be placed on passage. Agreed. Read at length the third time. Representative Wathern moved the Previous Question. Agreed.

On roll call, the vote was yeas 51—Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Bridgers, Burnley, Casey, Caudill, Conrad, Cornett, Davis, Embry, Everett, Farmer, Freeman, Grigsby, Grundy, Gullette, Hahn, Harris, Heyburn, Highland, Hinkle, C. S. Howard, Isler, Mackey, Martin, Melton, Miller, Moore, Morgan, Mullins, Ockerman, Parrish, Pollitte, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, Searcy, Sloan, Walsh, Wathen, A. W. Wells, Williamson, Wilson, Wirsch. Nays 0. **SB 203** was passed and the title agreed to.

SB 204 taken from Orders of the Day on recommendation of the Rules Committee. Representative Wathen moved that it be placed on passage. Agreed. Read at length for the third time. Representative Wathen moved the Previous Question. Agreed.

On roll call, the vote was yeas 50—Barnum, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Casey, Caudill, Conrad, Cornett, Davis, Embry, Everett, Farmer, Flanery, Grigsby, Grundy, Gullette, Hahn, Harris, Heyburn, Highland, C. S. Howard, Isler, Lambert, Mackey, Martin, Melton, Moore, Mullins, Ockerman, Parrish, Pollitte, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Stith, Walsh, Wathen, A. W. Wells, Williamson, Wirsch. Nays 0. **SB 204** was passed and the title agreed to.

SB 52 taken from Orders of the Day on recommendation of the Rules Committee. Representative Wathen moved that it be placed on passage. Agreed. Read at length the third time. Representative Wathen moved the Previous Question. Agreed.

On roll call, the vote was yeas 43—Barnum, Baumgardner, Blue, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Casey, Caudill, Cornett, Davis, Embry, Farmer, Grigsby, Gullette, Hadden, Hahn, Heyburn, Highland, Holsclaw C. S. Howard, Isler, Lowman, Mackey, McCallum, Melton, Murphy, Ockerman, Parrish, Pollitte, Ratcliffe, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Stith, Walsh, Wathen, Williamson, Young. Nays 2—Hill, Martin. **SB 52** was passed on and the title agreed to.

SB 208 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 58—Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Casey, Caudill, Cornett, Davidson, Davis, Embry, Everett, Farmer, Flanery, Freeman, Greene, Grigsby, Gullette, Hadden, Hahn, Harris, Heyburn Highland, Hill, Hilton, Hinkle, Isler, Johnson, Lambert, Mackey, Martin, McCallum, Melton, Moore, Mullins, Murphy, Ockerman, Parrish, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Sloan, Stith, Thompson, A. W. Wells, Williamson, Wilson, Wirsch. Nays 0. **SB 208** was passed.

Representative Morgan moved to amend the title of **SB 208** as follows: "Amend printed copy of Senate Bill 208 on page 1 by deleting the title and substituting in lieu thereof, the following: 'AN ACT relating to civil practices, amend KRS 425.190 (1)." Adopted.

SB 209 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 58—Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Casey, Caudill, Cornett, Davidson, Davis, Embry, Everett, Farmer, Flanery, Freeman, Greene, Grigsby, Gullette, Hadden, Hahn, Harris, Heyburn, Highland, Hill, Hilton, Hinkle, Isler, Johnson, Lambert, Mackey, Martin, McCallum, Melton, Moore, Mullins, Murphy, Ockerman, Parrish, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Sloan, Stith, Thompson, A. W. Wells, Williamson, Wilson, Wirsch. Nays 0. **SB 209** was passed.

Representative Morgan moved to amend the title of **SB 209** as follows: "Amend printed copy of Senate Bill 209 on page 1 by deleting the title and substituting in lieu thereof, the following: 'AN ACT relating to partnerships, amending KRS 362.245.'" Adopted.

SB 215 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 58—Barnum, Baumgardner, Billington, Blankenship, Blue, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Casey, Caudill, Cornett, Davidson, Davis, Embry, Everett, Farmer, Flanery, Freeman, Greene, Grigsby, Gullette, Hadden, Hahn, Harris, Heyburn, Highland, Hill, Hilton, Hinkle, Isler, Johnson, Lambert, Mackey, Martin, McCallum, Melton, Moore, Mullins, Murphy, Ockerman, Parrish, Ratcliffe, Ray, Rayburn, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Sloan, Stith, Thompson, A. W. Wells, Williamson, Wilson, Wirsch. Nays 0. **SB 215** was passed.

Representative Morgan moved to amend the title of **SB 215** as follows: "Amend printed copy of Senate Bill 215 on page 1 by deleting the title and substituting in lieu thereof, the following: 'AN ACT relating to the advertisement of sale of revenue bonds, amending KRS 56. 520 (3).'" Adopted.

Representative Rayburn moved that the vote by which the House refused to concur in Senate Amendment to **HB 516** be reconsidered.

On roll call, the vote was yeas 54—Billington, Blankenship, Blue, Buchanan, Burnley, Bush, Casey, Caudill, Cornett, Davis, Everett, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Highland, Hill, Hilton, Hinkle, C. S. Howard, Isler, Johnson, Kubale, Lowman, Mackey, Martin, McCallum, McFadden, Melton, Morgan, Mullins, Newsom, Parrish, Pollitte, Qualls, Ratcliffe, Rayburn, J. B. Reed, V. Reed, H. V. Reid, Reynolds, Saylor, Sloan, Stith, Thomas, Thompson, Wathen, Wilson, Young. Nays 20—Barnum, Baumgardner, Breathitt, Breckinridge, Bridgers, Cottengim, Davidson, Day, Farmer, Heyburn, Holsclaw, Miller, Moore, Murphy, Ray, R. Reid, Sr., Tanner, Walsh, A. W. Wells, Williamson. The motion to reconsider was adopted.

Representative Heyburn moved that the motion to reconsider be tabled.

On roll call, the vote was yeas 20—Barnum, Baumgardner, Breathitt, Breckinridge, Bridgers, Cottengim, Farmer, Heyburn, Holsclaw Miller, Moore, Murphy, Ockerman, Parrish, Ray, R. Reid, Sr., Tanner, Walsh, A. W. Wells, Williamson. Nays 56—Billington, Blankenship, Blue, Buchanan, Burnley, Bush, Casey, Caudill, Cornett, Davidson, Davis, Everett, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Highland, Hill, Hilton, Hinkle, C. S. Howard, Isler, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, Melton, Morgan, Mullins, Newsom, Pollitte, Qualls, Ratcliffe, Rayburn, J. B. Reed, V. Reed, H. V. Reid, Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Wathen, Weintraub, Wilson, Young. The motion to table was rejected.

Representative Day moved to recess.

On roll call, the vote was nays—Baumgardner, Billington, Blue, Breckinridge, Buchanan, Burnley, Bush, Casey, Caudill, Cottengim, Davis, Embry, Everett, Farmer, Flanery, Freeman, Greene, Grundy, Gullette, Hadden, Hahn, Harris, Heyburn, Highland, Hill, Hilton, Hinkle, C. S. Howard, Isler, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McFadden, Melton, Morgan, Mullins, Newsom, Parrish, Pollitte, Qualls, Ratcliffe, Rayburn, V. Reed, H. V. Reid, Saylor, Searcy, Stith, Tanner, Thompson, Weintraub, A. W. Wells, Wilson, Young. Yeas 4—Breathitt, Day, Ockerman, Ray. The motion to recess was rejected.

Senate Message

Senate message announcing passage of **SB 11, SB 16, SB 73, SB 75, SB 172, SB 194, SB 205, SB 226, SB 98, SB 116, SB 12, SB 51, SB 95, SB 100, SB 105, SB 112, SB 132, SB 169, SB 170, SB 171, SB 178, SB 182, SB 198, SB 212, SB 219, SB 231, SB 199, SR 12, SR 22, SR 24, SR 56, SR 60** read by Clerk.

Report On Enrolled Bills

The Committee on Enrollment reported that **SB 11, SB 16, SB 73, SB 75, SB 172, SB 194, SB 205, SB 226, SB 98, SB 116, SB 12, SB 51, SB 95, SB 100, SB 105, SB 112, SB 132, SB 169, SB 170, SB 171, SB 178, SB 182, SB 198, SB 212, SB 219, SB 231, SB 199, SR 12, SR 22, SR 24, SR 56, SR 60** had been examined and found correctly enrolled. Said Bills and Resolution read at length, compared, and signed in open session by the Speaker. Ordered that the original and enrolled copies be delivered to the Senate.

Senate Message

Senate message announcing the passage of **HR 56, HB 324, HB 331, HB 330, HB 332, HB 335, HB 464, HB 479, HB 491, HB 498, HB 482, HB 441, HB 403, HB 185, HB 64** read by the Clerk.

Orders of the Day

HB 516 taken from the Clerk. Representative Morgan moved that the House concur in the following Senate amendment:

"Amend printed copy of **HB 516**, on Page 1, Section 1 (1), Line 7 by deleting in line 7 the word 'twenty' and inserting in lieu thereof, the word 'ten'.

On Page 1, Section 1 (2), Line 12 by deleting in line 12 the word 'twenty' and inserting in lieu thereof, the word 'ten'.

On Page 2, Section 2 (1), Line 6 by deleting in line 6 the word 'twenty' and inserting in lieu thereof the word 'ten'." Adopted.

On roll call, the vote was yeas 56—Billington, Blankenship, Blue, Buchanan, Burnley, Bush, Casey, Conrad, Cornett, Davidson, Davis, Everett, Flanery, Freeman, Greene, Grundy, Gullette, Hadden, Hahn, Harris, Highland, Hill, Hilton, Hinkle, C. S. Howard, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, Melton, Morgan, Mullins, Newsom, Parrish, Pollitte, Qualls, Ratcliffe, Rayburn, J. B. Reed, V. Reed, H. V. Reid, Reynolds, Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Wathen, Wilson, Wirsch, Young. Nays 17—Barnum, Baumgarden, Breckinridge, Bridgers, Cottengim, Embry, Farmer, Griffin, Holsclaw, Miller, Moore, Murphy, Ray, R. Reid, Sr., Tanner, Walsh, A. W. Wells. The amendment to **HB 516** was concurred in.

HB 516 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 60—Billington, Blankenship, Blue, Buchanan, Burnley, Bush, Casey, Caudill, Conrad, Cornett, Davis, Day, Dunsil, Embry, Everett, Flanery, Freeman, Greene, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Highland, Hill, Hilton, Hinkle, C. S. Howard, Johnson, Kubale, Lambert, Lowman, Mackey, Martin, McCallum, McFadden, Melton, Morgan, Mullins, Newsom, Parrish, Pollitte, Qualls, Ratcliffe, Rayburn, J. B. Reed, V. Reed, H. V. Reid, Reynolds, Saylor, Searcy, Sloan, Stith, Thomas, Thompson, Wathen, Wilson, Wirsch, Young. Nays 14 — Barnum, Breckinridge, Bridgers, Cottengim, Farmer, Griffin, Heyburn, Holsclaw, Moore, Murphy, Ray, R. Reid, Sr., Tanner, A. W. Wells. **HB 516** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed by reconsidered and the motion laid on the table. Agreed.

HB 324 taken from the Clerk. Representative Morgan moved that it be placed on passage. Agreed. Representative Morgan moved that the House concur in the following Senate Amendments:

"Amendment No. 1. Amend printed copy of **HB 324**, on Page 3, Section 3, lines 28, 29 and 30 by deleting therefrom the following: "Any funds received by any districts under KRS 96.895 shall not be added to the districts' required local tax effort", and inserting in lieu thereof the following: "this subsection shall not be applicable during the biennium 1956-1958." Adopted.

"Amendment No. 2. Amend printed copy of **HB 324** on Page 3, Section 3, Line 30. Add after line 30, the following which shall constitute a new subsection:

(4) The Legislative Research Commission is hereby directed to conduct a study of federal grants in lieu of taxation, and other payments received by school districts in lieu of taxation and the relationship of these grants and/or payments to the required local tax effort under the foundation program and report its findings to the General Assembly on or before January 1, 1958." Adopted.

"Amendment No. 3. Amend printed copy of **HB 324**, on Page 2, Section 2, Lines 15 and 16 by deleting in lines 15 and 16 immediately following the word 'term', the following: 'of at least nine scholastic months' and inserting in lieu thereof, the following: 'as provided in KRS 158.070 and regulations of the State Board of Education'." Adopted.

Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 53—Barnum, Billington, Blankenship, Blue, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Casey, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Everett, Farmer, Fitzpatrick, Flanery, Greene, Hadden, Hahn, Harris, Heyburn, Hill, Hilton, Hinkle, Isler, Johnson, Lambert, Lowman, Mackey, Martin, McCallum, Morgan, Newsom, Parrish, Pollitte, Ratcliff, Ray, J. B. Reed, H. V. Reid, R. Reid, Sr., Reynolds, Searcy, Tanner, Thompson, Wathen, Wilson, Young. Nays 0. **HB 324** was passed and the title agreed to.

Representative Morgan moved that the vote by which said Bill was passed by reconsidered and the motion laid on the table. Agreed.

Report On Enrolled Bills

The Committee on Enrollment reported that **HR 29, HR 34, HR 42, HB 498, HB 491, HB 464, HB 479, HB 335, HB 403, HB 185, HB 441, HB 330, HB 331, HB 64, HB 332, HB 482** had been examined and found correctly enrolled. Said Bills and Resolutions read at length, compared, and signed in open session by the Speaker. Ordered that the original and enrolled copies be delivered to the Senate.

HR 29, HR 34, HR 42, HB 498, HB 491, HB 464, HB 479, HB 335, HB 403, HB 185, HB 441, HB 330, HB 331, HB 64, HB 332, HB 482 delivered, signed by President of the Senate. Ordered delivered to the Governor.

Orders of the Day

SB 146 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 46—Bates, Billington, Blankenship, Burnley, Bush, Casey, Conrad, Cornett, Cottengim, Davidson, Davis, Day, Dunsil, Farmer, Flanery, Greene, Grigsby, Gullette, Harris, Heyburn, Hill, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Mackey, Martin, McCallum, Melton, Miller, Morgan, Newsom, Parrish, Pollitte, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Stith, Thompson, Wathen, Weintraub, Wilson, Young. Nays 0. **SB 146** was passed and the title agreed to.

Representative Morgan moved adoption of **SR 14, SR 18, SR 41, SR 51, SR 59, SR 61, SR 63.** Adopted by voice vote.

SB 241 taken from Orders of the Day on recommendation of the Rules Committee. Representative Morgan moved that it be placed on passage. Agreed.

Representative Morgan moved to amend **SB 241** as follows:

Amendment No. 1: "Amend printed copy of **SB 241** on page 6, section 14, lines 1 through 13 by deleting Section 14, lines 1 through 13, in its entirety." Adopted.

Amendment No. 2. "Amend printed copy of SB 241 on page 5, section 13, lines 1 through 8 by deleting Section 13, lines 1 through 8, in its entirety." Adopted.

Representative Harris moved to amend **SB 241** as follows:

Amendment No. 3: "Amend printed copy of Senate Bill 241 on page 1, by adding an enactment clause reading: *Be It Enacted By The General Assembly of the Commonwealth of Kentucky*:" Adopted.

Amendment No. 4: "Amend printed copy of Senate Bill 241 on page 1, section 1, by deleting lines 3 through 10." Adopted.

Amendment No. 5: "Amend printed copy of Senate Bill 241 on page 1, section 2, line 1 by adding at the beginning of the act, 'unless otherwise provided by law'."

Amendment No. 6: "Amend printed copy of Senate Bill 241 on page 2, section 2, line 5 by striking the phrase, 'this Act', and substituting therefor the phrase, 'Chapter 13 of the Kentucky Revised Statutes'." Adopted.

Amendment No. 7: "Amend printed copy of Senate Bill 241 on page 2, 3, 4 and 5, by deleting Section 3 through section 12." Adopted.

Amendment No. 8: "Amend printed copy of Senate Bill 241 on page 5, section 13, by adding the following subsection: 'the Commission shall prescribe reasonable fees for subscription to the Kentucky Administrative Regulations Service. All fees paid to the Commission for this service shall be placed in the State Treasury to the credit of a revolving, trust or agency fund account, for use by the Legislative Research Commission in carrying out the provisions of this section." Adopted.

Amendment No. 9: "Amend printed copy of Senate Bill 241 on page 6, section 14, line 10 by deleting the last sentence of Section 14." Adopted.

Amendment No. 10: "Amend printed copy of Senate Bill 241 on page 6 through 13, by deleting Sections 15 through 37." Adopted.

Amendment No. 11: "Amend printed copy of Senate Bill 241 by adding a new section as follows: Section 13.095 is repealed. The Reviser of Statutes shall change every reference in Chapter 13 of the Kentucky Revised Statutes to the Statutes Revision Commission to read 'The Legislative Research Commission." Adopted.

SB 241 as amended read at length the third time. Representative Morgan moved the Previous Question . Agreed.

On roll call, the vote was yeas 46—Bates, Billington, Blankenship, Buchanan, Burnley, Bush, Casey, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Flanery, Grigsby, Grundy, Gullette, Harris, Heyburn, Hilton, Hinkle, C. S. Howard, Isler, Johnson, Lowman, Mackey, Martin, McCallum, Melton, Morgan, Mullins, Murphy, Parrish, Pollitte, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Tanner, Thompson, Wathen, Wirsch, Young. Nays 0. **SB 241** was passed and the title agreed to.

Representative Morgan moved that the vote by which said Bill was passed by reconsidered and the motion laid on the table. Agreed.

SB 200 taken from Orders of the Day, on recommendation of the Rules Committee. Representative Wathen moved that it be placed on passage. Agreed.

Representative Isler moved to amend **SB 200** as follows:

Amendment No. 1: "Amend printed copy of **SB 200** on page 1, section 1, line 11 by striking the word 'sparklers'." Adopted.

Amendment No. 2: "Amend printed copy of **SB 200** on page 1, section 1, line 13 by striking the words 'or flammable compound'." Adopted.

Amendment No. 3: "Amend printed copy of **SB 200** on page 2, section 1, line 15 after the word 'include,' insert the words 'sparklers, fountains, flares, colored box, cones, snakes, illuminating torches'." Adopted.

Amendment No. 4: "Amend printed copy of Senate Bill 200 on page 2, section 2, line 7 striking out words 'si' and substituting in leu thereof word 'is' because of a misprinted word (typographical error)." Adopted.

SB 200 as amended read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 42—Bates, Billington, Buchanan, Burnley, Bush, Casey, Conrad, Cornett, Davis, Day, Dunsil, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Heyburn, Hinkle, Holsclaw, Isler, Johnson, Kubale, Lambert, Mackey, Martin, Melton, Moore, Morgan, Mullins, Murphy, Parrish, Ray, J. B. Reed, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Wilson, Wirsch, Young. Nays 3—Breathitt, Ockerman, Thompson. **SB 200** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 88 taken from Orders of the Day on recommendation of the Rules Committee. Representative Wathen moved that they be placed on passage. Agreed. Read at length the third time. Representative Wathen moved the Previous Question.

On roll call, the vote was yeas 50—Bates, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Casey, Conrad, Cottengim, Davis, Dunsil, Farmer, Fitzpatrick, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Heyburn, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Lambert, Mackey, Martin, Melton, Moore, Morgan, Mullins, Murphy, Ockerman, Parrish, Pollitte, Ray, J. B. Reed, V. Reed, H. V. Reid, Searcy, Stith, Thompson, Wathen, Williamson, Wilson, Wirsch, Young. Nays 4—Blue, Everett, Hilton, Newsom. **SB 88** was passed and the title agreed to.

SB 53 taken from Orders of the Day on recommendation of the Rules Committee. Representative Wathen moved that it be placed on passage. Agreed. Read at length the third time. Representative Wathen moved the Previous Question.

On roll call, the vote was yeas 49—Bates, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Casey, Conrad, Cottengim, Davis, Dunsil, Farmer, Fitzpatrick, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Heyburn, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Lambert, Mackey, Martin, Melton, Moore, Morgan, Mullins, Murphy, Ockerman, Parrish, Pollitte, Ray, J. B. Reed, V. Reed, H. V. Reid, Searcy, Stith, Wathen, Williamson, Wilson, Wirsch, Young. Nays 5—Thompson, Blue, Everett, Hilton, Newsom. **SB 53** was passed and the title agreed to.

SB 138 taken from Orders of the Day on recommendation of the Rules Committee. Representative Wathen moved that it be placed on passage. Agreed. Read at length the third time. Representative Wathen moved the Previous Question.

On roll call, the vote was yeas 45—Bates, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Casey, Conrad, Cottengim, Davis, Dunsil, Farmer, Fitzpatrick, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Heyburn, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Lambert, Mackey, Martin, Melton, Moore, Morgan, Mullins, Murphy, Parrish, Pollitte, Ray, J. B. Reed, V. Reed, H. V. Reid, Searcy, Stith, Thompson, Wilson, Wirsch. Nays 9—Breathitt, Ockerman, Wathen, Williamson, Young, Blue, Everett, Hilton, Newsom. **SB 138** was passed and the title agreed to.

SB 153 taken from Orders of the Day on recommendation of the Rules Committee. Representative Wathen moved that it be placed on passage. Agreed. Read at length the third time. Representative Wathen moved the Previous Question.

On roll call, the vote was yeas 34—Breckinridge, Bridgers, Buchanan, Burnley, Bush, Casey, Conrad, Cottengim, Davis, Farmer, Fitzpatrick, Grigsby, Grundy, Gullette, Harris, Holsclaw, Isler, Kubale, Mackey, Martin, Melton, Moore, Morgan, Pollitte, J. B. Reed, V. Reed, H. V. Reid, Searcy, Stith, Wathen, Williamson, Wilson, Wirsch, Young. Nays 19—Bates, Breathitt, Dunsil, Hadden, Heyburn, Hinkle, C. S. Howard, Johnson, Lambert, Murphy, Ockerman, Parrish, Ray, Thompson, Blue, Everett, Hilton, Newsom, Hahn. **SB 153** was defeated.

SB 195 taken from Orders of the Day on recommendation of the Rules Committee. Representative Wathen moved that it be placed on passage. Agreed. Read at length the third time. Representative Wathen moved the Previous Question.

On roll call, the vote was yeas 40—Bates, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Conrad, Cottengim, Davis, Farmer, Fitzpatrick, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Lambert, Martin, Melton, Moore, Morgan, Mullins, Ray, J. B. Reed, V. Reed, H. V. Reid, Searcy, Stith, Thompson, Wathen, Williamson, Wirsch, Young. Nays 14—Blue, Casey, Dunsil, Everett, Heyburn, Hilton, Hinkle, Mackey, Murphy, Newsom, Ockerman, Parrish, Pollitte, Wilson. **SB 195** was passed and the title agreed to.

SB 223 taken from Orders of the Day on recommendation of the Rules Committee. Representative Wathen moved that it be placed on passage. Agreed. Read at length the third time. Representative Wathen moved the Previous Question.

On roll call, the vote was yeas 50—Bates, Breathitt, Breckinridge, Bridgers, Buchanan, Burnley, Bush, Casey, Conrad, Cottengim, Davis, Dunsil, Farmer, Fitzpatrick, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Heyburn, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Lambert, Mackey, Martin, Melton, Moore, Morgan, Mullins, Murphy, Ockerman, Parrish, Pollitte, Ray, J. B. Reed, V. Reed, H. V. Reid, Searcy, Stith, Thompson, Wathen, Williamson, Wilson, Wirsch, Young. Nays 4—Blue, Everett, Hilton, Newsom. **SB 223** was passed and the title agreed to.

Senate Message

Senate message announcing the passage of **HB 145, HB 282, HB 305, HB 481, HB 492, HB 493, HB 478, HB 264, HB 168** read by the Clerk.

Orders of the Day

SR 69 taken from Orders of the Day. Representative Morgan moved that it be placed on passage. Agreed. Read at length the third time. Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 54—Barnum, Bates, Billington, Breckinridge, Buchanan, Burnley, Bush, Casey, Conrad, Cornett, Cottengim, Davis, Dunsil, Farmer, Grigsby, Grundy, Gullette, Hadden, Hahn, Harris, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Isler, Johnson, Kubale, Mackey, Martin, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Ockerman, Parrish, Pollitte, Qualls, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Searcy, Stith, Thompson, Walsh, Wathen, Wilson, Wirsch, Young. Nays 0. **SR 69** was passed and the title agreed to.

Representative Morgan moved that the vote by which said resolution was passed be reconsidered and the motion laid on the table. Agreed.

HB 168 taken from the Clerk. Representative Morgan moved that the House concur in the following Senate amendments:

Amendment No. 1: Amend printed copy of **HB 168**, on page 2, adding new section 5:

"Provided that nothing in this chapter applies to the compounding and dispensing of drugs on a prescription." Adopted.

Amendment No. 2: Amend printed copy of **HB 168**, on Page 2, Section 3, Line 3 "by striking the period after the word 'count' and adding thereto the words 'except cordage and paper products customarily sold by gross weight'." Adopted.

Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 54—Bates, Billington, Breathitt, Buchanan, Burnley, Bush, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Embry, Farmer, Flanery, Freeman, Greene, Grigsby, Gullette, Hadden, Hahn, Harris, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Johnson, Kubale, Lambert, Mackey, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Parrish, Pollitte, Qualls, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Stith, Thomas, Wathen Wilson Wirsch Young. Nays 2—Breckinridge Walsh. **HB 168** was passed and the title agreed to.

Representative Holsclaw moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

HB 478 taken from the Clerk's desk. Representative Morgan moved that the House concur in the following Senate amendments:

Amendment No. 1:"Amend printed copy of **HB 478**, on Page 1, Section 1, lines 7 and 13 to strike the words 'franchise taxpayer'." Adopted.

Amendment No. 2;"Amend printed copy of **HB 478**, Page 2 Section 2, line 18, strike the words 'franchise taxpayer'." Adopted.

Amendment No. 3: "Amend printed copy of **HB 478**, Page 2, Section 3, lines 23 and 24, strike the words 'franchise taxpayer'." Adopted.

Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 54—Bates, Billington, Breathitt, Buchanan, Burnley, Bush, Caudill, Conrad, Cornett, Cottengim, Davidson, Davis, Embry, Farmer, Flanery, Freeman, Greene, Grigsby, Gullette, Hadden, Hahn, Harris, Heyburn, Highland, Hill, Hilton, Hinkle, Holsclaw, C. S. Howard, Johnson, Kubale, Lambert, Mackey, Melton, Moore, Morgan, Mullins, Murphy, Newsom, Parrish, Pollitte, Qualls, Ray, V. Reed, H. V. Reid, R. Reid, Sr., Saylor, Searcy, Stith, Thomas, Wathen Wilson Wirsch Young. Nays 2—Breckinridge Walsh. **HB 478** was passed and the title agreed to.

Representative Holsclaw moved that the vote by which said Bill was passed be reconsidered and the motion laid on the table. Agreed.

SB 34 taken from Orders of the Day on recommendation of the Rules Committee. Representative Harris moved that it be placed on passage. Agreed.

Representative Billington moved to amend **SB 34** as follows: "Amend printed copy of Senate Bill No. 34 on page 2, section 1, line 29 by striking the remainder of the sentence following the word 'after' and all of lines 30, 31 and 32 and inserting in lieu thereof the following words: 'two years from the late of issue of this policy, shall be reduced or denied on the ground that a' ". Adopted.

SB 34 as amended read at length the third time. Representative Billington moved the Previous Question. Agreed.

On roll call, the vote was yeas 50—Bates, Billington, Blankenship, Breathitt, Buchanan, Burnley, Bush, Casey, Caudill, Conrad, Cornett, Cottengim, Davis, Day, Dunsil, Farmer, Flanery, Freeman, Greene, Grigsby, Gullette, Hahn, Harris, Hawkins, Heyburn, Highland, Hill, Hilton, Hinkle, Johnson, Kubale, Mackey, Martin, Melton, Miller, Moore, Mullins, Murphy, Parrish, Qualls, Ray, H. V. Reid, Stith, Tanner, Thomas, Thompson, Walsh, Wathen, Wilson, Wirsch. Nays 1—Holsclaw. **SB** 34 was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed be reconsidered and the motion laid on the table. Agreed.

Motions, Petitions

Representative Harris moved that the following grievance be spread on the Journal. Agreed.

I want to offer a protest against the careless manner in which some of the newspapers of this Commonwealth have affected the business of the General Assembly and the people of Kentucky.

On February 14, this august body passed House Bill 225 allowing commerce in fireworks under a system of controls designed to allow their safe and sane use.

On February 15 the Courier Journal, in a front page, three-column article, not designated as editorial, condemned this bill in a manner which purported to be a report of fact, but which actually revealed a complete misunderstanding of the facts regarding this bill. In the wake of this news report has come more criticism in the same paper and elsewhere apparently based solely on the contentions contained in the original news report and not based on the provisions of the bill itself. Each of the contentions in this report has been examined by technicians in the business of determining the meaning and effect of legislative enactments, and each and every contention in this report has been found to be erroneous. Some examiners have concluded that this bill is a sound approach to the problem.

Were this house not pressed for time, I would refute each contention in the report. However, under the circumstances, I will take time here to answer only the basic claims of the reporter.

The general contention of this report, (and its first specific contention) is that the bill is misleadingly entitled a fireworks control law. If the reporters will examine this bill more carefully, they will find that it provides the following basic controls, as well as others:

(1) It restricts the use of all types of fireworks except those of cap pistol variety;

(2) It requires licenses for every possible kind of fireworks trade;

(3) It provides that dangerous fireworks cannot be sold or used without a preliminary, specific permit from fire chiefs or sheriffs;

(4) That explosive fireworks can be fired only where the specific permit allows;

(5) That records of wholesale sales of non-explosive fireworks must be kept as well as records of retail sales of explosive fireworks; and

(6) That penalties are provided for any sale of any kind of fireworks by one not licensed to sell or one who sells dangerous fireworks to a person not holding a special permit, and for anyone who uses special fireworks without such a special permit.

Reporters and editors may contend that the controls in this bill are inadequate, or that any set of controls are inadequate. But to deny the existence of controls in this bill is to fail to read it with comprehension.

SB 101 taken from the Clerk's desk on motion of Representative Harris. Read at length the third time. Representative Harris moved the Previous Question. Agreed.

On roll call, the vote was yeas 14—Breathitt, Breckinridge, Bridgers, Caudill, Day, Freeman, Heyburn, Hill, Holsclaw, McCallum, Newsom, Searcy, Weintraub, Wilson. Nays 28—Buchanan, Burnley, Bush, Casey, Conrad, Cornett, Cottengim, Davidson, Everett, Greene, Grigsby, Hadden, Hahn, Highland, Hinkle, Johnson, Kubale, Lambert, Mackey, Melton, Morgan, Mullins, Parrish, Pollitte, H. V. Reid, Walsh, Wirsch, Young. **SB 101** was defeated.

Orders of the Day

HB 471 taken from the Clerk. Representative Morgan moved that the House concur in the following Senate Amendments:

Amendment No. 1: "Amend printed copy of **HB 471** on Page 3, Section 1 (10), line 58. Delete the semi-colon at the end of line 58 and insert in lieu thereof a comma and add the following:

"and in case the economic poisons contain arsenic in any form a statement of the percentage of total and water soluble arsenic, each stated as elemental (metallic) arsenic;". Adopted.

Amendment No. 2: "Amend printed copy of **HB 471**, on Page 6, Section 2 (1), Lines 14, 15, and 16 by deleting the following:

"Provided further that changes at no time are permissible if they lower the efficacy of the product;". Adopted.

Amendment No. 3: Amend printed copy of **HB 471**, on Page 7, Section 2 (4), Lines 40 and 41. Delete "flousilicate" and insert "flourisilicate" in lieu thereof. Adopted.

Amendment No. 4: Amend printed copy of **HB 471**, Pages 8 and 9, Section 3, Lines 7 through 20. Delete subsections (2) and (3) in their entirety. Adopted.

Amendment No. 5: Amend printed copy of **HB 471**, on Page 9, Section 4, Lines 1 through 7. Delete lines 1 through 7. Adopted.

Amendment No. 6A: Amend printed copy of **HB 471** on Page 11, Section 5 (3), Line 52. Strike "$100." and insert in lieu thereof "$50.00." Adopted.

Amendment No. 7: Amend printed copy of **HB 471,** on Page 12, Section 5, Lines 69, 70, 78 by adding the following after line 69:

(6) "If, upon receipt of such notice, the registrant insists that such corrections are not necessary and requests in writing that the article be registered, the Commissioner shall register the article under protest, and such registration shall be accompanied by a warning in writing to the registrant of the apparent failure of the article to comply with the provisions of this Act."

On Line 70, change "(6)" to "(7)".

On line 78, change "(7)" to "(8)". Adopted.

Amendment No. 8: Amend printed copy of **HB 471,** on Page 17, Section 13, Lines 1-2. Delete section 13 in its entirety and substitute the following in lieu thereof:

"Jurisdiction in all matters pertaining to the distribution, sale and transportation of economic poisons is by this Act vested exclusively in the Director and all acts and parts of acts inconsistent with this Act are hereby expressly repealed including the provisions of Section 217.010 and 217.400 of the Kentucky Revised Statutes which cover economic poisons subject to this Act." Adopted.

Amendment No. 9: Amend printed copy of **HB 471,** on Page 13, Section 6, Line 21. Delete the comma following the word "proper" and delete the following:

"complete information concerning the sale of economic poisons, together with such data on their production and use as he may consider advisable,". Adopted.

Amendment No. 10: Amend printed copy of **HB 471,** on Page 13, Section 6 (3), ines 26 through 29. Delete lines 26 through 29 and after "(3)" insert:

"After due public hearing, to make, promulgate, alter, change, rescind such rules and regulations relating to the sale and distribution of economic poisons as he may find necessary to carry into effect the full intent and meaning of this Act." Adopted.

Amendment No. 11: Amend printed copy of **HB 471,** on Page 15, Section 8, Lines 22 through 31. Delete subsections (4) which begins "Any person" and ends "provisions of this Act." renumbering the following subsection as (4) in line 32. Adopted.

Representative Morgan moved the Previous Question. Agreed.

On roll call, the vote was yeas 45—Bates, Billington, Breathitt, Breckinridge, Buchanan, Burnley, Bush, Casey, Caudill, Conrad, Cottengim, Davidson, Davis, Everett, Farmer, Flanery, Freeman, Greene, Hahn, Harris, Heyburn, Highland, Hill, Hinkle, Holsclaw, C. S. Howard, Johnson, Kubale, Mackey, McCallum, Melton, Moore, Morgan, Mullins, Parrish, Pollitte, Ray, H. V. Reid, R. Reid, Sr., Stith, Thompson, Weintraub, Wilson, Wirsch, Young. Nays 0. **HB 471** was passed and the title agreed to.

Representative Morgan moved that the vote by which said bill was passed by reconsidered and the motion laid on the table. Agreed.

Senate Message

Senate message announcing passage of **HB 381, HB 394, HB 364, HB 415, HB 351, HB 449, HB 399, HB 121, HB 398, HB 418, HB 503, HB 468, HB 471**, read by the Clerk.

Report On Enrolled Bills

The Committee on Enrollment reported that **HB 516, HB 500, HB 493, HB 282, HB 305, HB 492, HB 481, HB 324, HB 145, HB 478, HB 168, SR 9, SR 10, SR 14, SR 15, SR 17, SR 18, SR 19, SR 41, SR 51, SR 59, SR 61, SR 63, SR 69, SB 23, SB 24, SB 34, SB 52, SB 53, SB 88, SB 136, SB 138, SB 145, SB 146, SB 195, SB 203, SB 204, SB 208, SB 209, SB 215, SB 218, SB 223, SB 229, SB 234, SB 236, SB 241** had been examined and found correctly enrolled. Said Bills and Resolutions read at length, compared, and signed in open session by the Speaker. Ordered that the original and enrolled copies be delivered to the Senate.

HB 516, HB 500, HB 493, HB 282, HB 305, HB 492, HB 481, HB 324, HB 145, HB 478, HB 168 delivered, signed by President of the Senate. Ordered delivered to the Governor.

The Committee on Enrollment reported that **HB 503, HB 471, HB 468, HB 418, HB 449, HB 394, HB 398, HB 399, HB 415, HB 364, HB 351, HB 121, HB 381** had been examined and found correctly enrolled. Said Bills read at length, compared, and signed in open session by the Speaker. Ordered that the original and enrolled copies be delivered to the Senate.

HB 503, HB 471, HB 468, HB 418, HB 449, HB 394, HB 398, HB 399, HB 415, HB 364, HB 351, HB 121, HB 381 delivered, signed by President of the Senate. Ordered delivered to the Governor.

Adjournment

The Speaker appointed the following committee to inform the Senate that the House has concluded all business and to join a like Committee from the Senate to wait upon the Governor to inquire if he has further business to communicate: Representatives Morgan, Burnley, Young, Hilton, and Pollitte.

The Committee from the House met with a like Senate Committee and reported that Governor Chandler thanked them and would welcome them back for Special Session.

Representative Morgan moved to adjourn Sine Die. Agreed.

The Journal of the House was read, compared and approved. The House adjourned Sine Die.

Approved:

Thomas P. Fitzpatrick
Speaker

Attest: James C. Cubbage, Chief Clerk
House of Representatives

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HISTORY OF HOUSE BILLS

Numbers refer to page of House Journal. Text of bill is given on 1st reading. Names of sponsors are in parentheses.

HB 1 Repealing lien against estates of public assistance recipients (Morgan, Newsom, J. B. Reed, Thompson, Freeman, Hill, Martin, Greene, Moore, Mullins, Caudill, Gullette, Blue, Hilton, Bush, McFadden, Thomas, Mackey, Conrad, Dunsil, Hinkle, Peace, Hahn, Hislope, V. Reed, Cottengim, Isler, McCallum, Cornett, Buchanan, Sloan, Jennings, Gay, Heskamp, Bates, Grigsby, A. W. Wells, C. S. Howard, Rayburn, Qualls, Blankenship, Hawkins, Stith, Kubale, L. B. Wells, McKinney, Casey, Johnson, Beshear).

HB 2 Authorizing the Governor to submit the budget to a special session of the General Assembly (Morgan).

HB 3 Making the Legislative Research Commission responsible for legislative journals and financial accounts (Morgan).

HB 4 Authorizing the Legislative Research Commission to set printing standards for journals (Morgan).

HB 5 Changing the date on which taxes become delinquent (Mackey).

HB 6 Relating to residence for filing suit for divorce (Mackey).

HB 7 Defining dower or curtesy due a surviving spouse (Breathitt).

HB 8 Requiring certain real estate brokers to be licensed (Day).

HB 9 Providing registration plates for volunteer fire protection district vehicles (Day).

HB 10 Relating to sales of fireworks (Isler).

HB 11 Giving the surviving spouse a share of mineral rights (Caudill).

HB 12 Increasing compensation of circuit court jurors (McFadden).

HB 13 Increasing compensation of election officers (McFadden).

HB 14 Repealing lien on estates of public assistance recipients (Caudill).

HB 15 Increasing county clerks' fees for computing taxes (Sloan).

HB 16 Requiring the state to pay costs of supplies used by circuit and county court clerks (Sloan).

HB 17 Repealing the waiting period for marriage licenses (Sloan).

HB 18 Authorizing fiscal courts to set pay of election officers (Burnley).

HB 19 Authorizing the Department of Revenue to aid cities in reappraisal projects (Burnley).

HB 20 Requiring the Department of Highways to eradicate Johnson Grass on rights of way (A. W. Wells).

HB 21 Requiring railroads to eradicate Johnson Grass on railroad rights of way (A. W. Wells).

HB 22 Repealing the excise tax on cigarettes (A. W. Wells, Wilson).

		Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Other Action
					1st	2nd	3rd			
HB	1	21	44	52	52	60	78	140	134	
HB	2	21	44	52	52	60	76	133	134	
HB	3	21	44	49	49	55	60	81	83	81
HB	4	21	44	52	53	60	77	260	485	382 523
HB	5	22	44							
HB	6	22	44	58	58	76	83			83
HB	7	22	44	159	159	196	261	931	1030	1010
HB	8	22	44	123	123	133	178	483	495	523
HB	9	22	44							
HB	10	22	44							
HB	11	22	44	58	60	76	82	383	485	523
HB	12	22	44							
HB	13	22	44							
HB	14	22	44							
HB	15	22	44							
HB	16	22	44	397	398	493				
HB	17	22	44							
HB	18	22	44	81	81	88	117	1018	1030	1019
HB	19	22	44	74	75	82	88	260	265	
HB	20	23	44	205	205	260	901	1018	1036	899
HB	21	23	44	122	122					132
HB	22	23	44							

HB 23 Requiring counties to eradicate Johnson Grass on county rights of way (A. W. Wells).

HB 24 Transferring Dry Ridge to the fifth class of cities (Thomas).

HB 25 Requiring election of county school superintendents (Thomas).

HB 26 Authorizing assistants for certain county judges (Newsom).

HB 27 Setting salary of certain county commissioners (Newsom, J. B. Reed).

HB 28 Requiring certain counties to have a fiscal court composed of a judge and three commissioners (Newsom, J. B. Reed).

HB 29 Requiring mechanical inspection of motor vehicles (Newsom).

HB 30 Repealing lien on estates of public assistance recipients (Cornett).

HB 31 Changing terms of court in the 36th Judicial District (Cornett).

HB 32 Requiring erection of highway signs showing penalties for injuring public property (Wathen).

HB 33 Refunding tax on gasoline used in watercraft (Wathen).

HB 34 Requiring the state to pay for supplies used by circuit and county court clerks (L. B. Wells).

HB 35 Increasing allowances for care of pauper idiots (L. B. Wells).

HB 36 Extending absent voting to disabled persons (Mackey).

HB 37 Relating to equalization in fifth and sixth class cities (Johnson).

HB 38 Decreasing the cigarette tax (Thompson, Hinkle).

HB 39 Relating to drunkenness as grounds for divorce (Breckinridge, Ockerman).

HB 40 Increasing membership of the Workmen's Compensation Board (Morgan).

HB 41 Requiring the Department of Highways to eradicate Johnson Grass on rights-of-way (Johnson).

HB 42 Changing qualifications for Adjutant General (Morgan).

HB 43 Relating to the opossum and racoon hunting season (Johnson).

HB 44 Creating a police and firemen's retirement fund for second class cities (Cottengim, Ockerman, Isler, Wirsch, Breckinridge, Davidson, R. Reid, Tanner, Lowman).

HB 45 Exempting non-profit race tracks from the pari-mutuel tax (Ockerman, Breckinridge).

HB 46 Making the permanently and totally disabled eligible for public assistance (McFadden).

HB 47 Transferring Morgantown to the fifth class of cities (McKinney).

HB 48 Prohibiting sale of candy on school premises (Caudill).

	Introduced	Referred	Reported	Readings 1st	2nd	3rd	Senate Message	Enrolled	Other Action
HB 23	23	44	205	206	260				
HB 24	23	44	58	58	76	82	260	265	
HB 25	23	44							
HB 26	23	44							
HB 27	23	44	298	298	381	560	910	913	
HB 28	23	44	292	297	381	521	486	1030	910 1011
HB 29	23	44							
HB 30	23	44							
HB 31	23	44	58	59	76	84			
HB 32	23	44	114	114	126	134			
HB 33	23	44	561	562	726				
HB 34	23	44							
HB 35	23	44							
HB 36	23	44	140	140	196				
HB 37	24	44	160	161	196	275	518	702	227
HB 38	24	44							
HB 39	24	44	58	59	76	85			
HB 40	24	44	52	54	60	77	140	174	199
HB 41	24	44	561	564	726				
HB 42	40	56	63	63	82	88	140	174	199
HB 43	40	56	115						115
HB 44	40	56	92	92	126	135	279	385	
HB 45	40	56	125	125	133	199	279	385	273
HB 46	40	56	142	142	196				
HB 47	40	56	74	75	82	90	260	265	
HB 48	40	56	367	367	477				

HB	49	Requiring motor vehicles transporting explosives to stop at railroad crossings (Burnley).
HB	50	Making the permanently and totally disabled eligible for public assistance (Lambert).
HB	51	Allowing working women to deduct household expenses from income for tax purposes (Freeman).
HB	52	Relating to roads used by a first class city for park purposes (Bridgers).
HB	53	Making property owners in a first class city responsible for repair of sidewalks (Farmer).
HB	54	Requiring landowners in a first class city to remove weeds (Murphy).
HB	55	Providing for an emergency flood wall operation fund in counties containing a first class city (Miller).
HB	56	Relating to zoning in first class cities (Baumgardner).
HB	57	Requiring cities in a county containing a first class city to file annexation ordinances with the fiscal court (Day).
HB	58	Relating to assessment dates in first class cities (Farmer).
HB	59	Authorizing fiscal courts to contract for services related to building regulations (Miller).
HB	60	Providing for payment of reporters' fees for transcripts in certain criminal cases (Walsh).
HB	61	Providing for annexation by a first class city (Murphy).
HB	62	Enabling fiscal courts to buy road machinery or construct bridges without approval of the Department of Highways (Ray).
HB	63	Increasing penalty for parking violations in counties containing a first class city (Bridgers).
HB	64	Authorizing cities to contract for hospitalization of indigent residents (Holsclaw).
HB	65	Providing for licensing of buyers and sellers of coin-operated music or amusement machines (Newsom, J. B. Reed).
HB	66	Increasing maximum size distilled spirits package (R. Reid).
HB	67	Increasing maximum loan by a petty loan company (Melton).
HB	68	Creating a Kentucky Commission on Alcoholism (Blankenship).
HB	69	Making an appropriation for the Executive Mansion (Morgan).
HB	70	Repealing law which made the Old Mansion a museum (Morgan).
HB	71	Relating to actions for defamation by radio (McCallum).
HB	72	Transferring powers of Boards of Park Commissioners in second class cities to the city (Ockerman).
HB	73	Relating to public improvements in first class cities (Baumgardner).

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Other Action
				1st	2nd	3rd			
HB 49	40	56	121	121	133	199	518	702	
HB 50	40	56							
HB 51	48	56							
HB 52	48	56	63	64	82	127	260	265	
HB 53	48	56	63	65	82	133	383	485	127 523
HB 54	48	56	63	65	82	128	260	265	486
HB 55	48	56	63	66	82	133	483	495	523
HB 56	48	56	63	66	82				
HB 57	48	56	63	68	82	134	483	495	523
HB 58	48	56	63	68	82	224	483	495	523
HB 59	48	56	63	69	82	384	899	913	277 384
HB 60	48	56	63	69	82	116	352	385	
HB 61	49	56	63	70	82	116	260	265	
HB 62	49	56	57	57	76	85			
HB 63	49	56	148	156	196	262	483	495	523
HB 64	49	56	63	72	82	909	1050	1052	
HB 65	51	80	307	325	382				
HB 66	51	80	106	106	126				
HB 67	55	80	286	286	382				353
HB 68	55	80							
HB 69	55	80	63	73	82	117	266	273	
HB 70	55	80	125	125	133	177	483	495	523
HB 71	55	80	109	109	126	174	479	495	383 523
HB 72	55	80	110	112	126	174	483	495	523
HB 73	55	80							

HB	**74**	Repealing law establishing a Kentucky Dairy Commission (Day).
HB	**75**	Providing an expense allowance for Comomnwealth's attorneys (Harris).
HB	**76**	Requiring mud guards on trucks (Newsom).
HB	**77**	Authorizing payment of certain claims from the Livestock Fund (Conrad, Hinkle, Hahn, Highland, Bates, Blankenship, Thomas).
HB	**78**	Amending the Constitution to limit property exempt from taxation (Bridgers).
HB	**79**	Making election days holidays (Murphy).
HB	**80**	Limiting condemnation by mine or quarry owners (Day).
HB	**81**	Relating to motor vehicles licensing (A. W. Wells).
HB	**82**	Barring minors from race tracks (Weintraub).
HB	**83**	Increasing compensation for returning a fugitive (Bridgers).
HB	**84**	Increasing penalties for drunken driving (A. W. Wells).
HB	**85**	Changing requirements for school bus drivers (A. W. Wells).
HB	**86**	Prohibiting sale to minors of certain comic books (Isler).
HB	**87**	Prohibiting requiring dealers to accept illegal publications (Isler).
HB	**88**	Requiring county boards of education to take bids on the sale of certain property (Peace).
HB	**89**	Repealing the waiting period for marriage licenses (Peace).
HB	**90**	Relating to certification of emergency teachers (Peace).
HB	**91**	Setting penalties for reckless driving (A. W. Wells).
HB	**92**	Repealing the Strip Mining Act (Buchanan).
HB	**93**	Requiring gas pipe line companies to serve persons within one-half mile of the line (Cornett).
HB	**94**	Increasing maintenance allowances for pauper idiots (Cornett).
HB	**95**	Repealing law about attendance officers (Ockerman, Hinkle).
HB	**96**	Prohibiting increased state spending before elections (Hislope).
HB	**97**	Imposing damages for unlawful cutting of timber (Bates).
HB	**98**	Relating to planning and zoning in second class cities (Weintraub, Cottengim, Isler).
HB	**99**	Relating to planning in third to sixth class cities (Melton).

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Other Action
				1st	2nd	3rd			
HB 74	55	80	789	851	908				
HB 75	55	80	63	73	82	127	483	495	523
HB 76	61	85	121	122	133	260			
HB 77	61	85	364	364	477	915	1038	1039	
HB 78	61	86							
HB 79	61	86							
HB 80	61	86							
HB 81	61	85	283	285	381				
HB 82	61	86	561	565	726				
HB 83	61	86	388	388	493	729	931	991	
HB 84	61	86	705	705	739				
HB 85	61	86	705	707	739				
HB 86	62	86	148	157	196	226	772	780	
HB 87	62	86	148	157	196	227	931	1030	1011
HB 88	62	86	148	148	196	478			
HB 89	62	86	415	476	494				
HB 90	62	86							
HB 91	62	86	415	450	494				
HB 92	62	86							
HB 93	62	86	114	114	126	196	740	780	
HB 94	62	86	124	124	133				
HB 95	62	86	249	249	266	495	1018	1030	
HB 96	62	86							
HB 97	62	86	115	115	126	225	483	495	523
HB 98	62	86	299	299	381				
HB 99	78	90	266	266	349				

HB 100	Amending the Constitution to authorize issuing bonds for a veterans' bonus (Flanery, Blankenship, Bates, John B. Reid, Newsom, Buchanan, Hislope, Baumgardner, Thomas, Gay, Blue, Griffin, Isler, Qualls, Reynolds, Hilton, Bush, Melton, Howard V. Reid, Davis, Wirsch, Heskamp, Embry, Johnson, Jennings, Caudill, Sloan, Hinkle, Saylor, Grundy, Peace, McFadden, Carter, Dunsil, Stith, Vernon Reed, Lambert, McKinney, Mullins, Hawkins, Freeman, Robert Reid, A. W. Wells, Nunn, Clyde S. Howard, Mackey, Highland, Hahn, Hill, Martin, Cornett, Hadden, Grigsby, D. W. Howard, Walsh, Ratcliffe, Rayburn, Casey, Davidson, Miller).
HB 101	Changing requirements for motor vehicle operators' licenses (Day).
HB 102	Authorize special driver training permits (Day).
HB 103	Amending the Constitution to limit property tax exemptions (Peace).
HB 104	Requiring annual inspection of motor vehicles (A. W. Wells).
HB 105	Authorizing fiscal courts to set fees for election of officers (Lowman).
HB 106	Authorizing the Governor to appoint office personnel (Morgan).
HB 107	Making school district employees state officers (Breckinridge, Ockerman, Gay).
HB 108	Repealing maximum salaries for college presidents (Ockerman, Gay, Breckinridge).
HB 109	Providing a referendum on a constitutional convention (Burnley).
HB 110	Providing counsel for paupers indicted by the grand jury (Buchanan).
HB 111	Providing partisan election for second class city officers (Burnley).
HB 112	Authorizing first class cities to tax wages and profits (Ray, Murphy, Walsh, Baumgardner, Miller, Farmer).
HB 113	Providing a referendum on a constitutional convention (Day).
HB 114	Providing for use of money recovered from estates of public assistance recipients (Morgan).
HB 115	Setting salaries of fiscal court members in certain counties (Moore).
HB 116	Authorizing flashing lights on conservation officers' vehicles (Casey).
HB 117	Increasing the salary of commissioners in certain counties (Hilton).
HB 118	Making the permanently disabled eligible for public assistance (Jennings, Rayburn).
HB 119	Authorizing second class cities to pension police judges (Lowman).

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Other Action
				1st	2nd	3rd			
HB 100	78	90	280	280	381	729			279
HB 101	79	90							
HB 102	79	90							
HB 103	79	90							
HB 104	79	90							
HB 105	79	90							
HB 106	79	90	106	108	126	175	483	495	523
HB 107	79	90	210	213	260				
HB 108	79	90	115	116	126	175	483	495	523
HB 109	79	90							
HB 110	79	90	124	124	133	178	931	991	
HB 111	79	90							
HB 112	79	90	244	244	266	349	518	702	246
HB 113	80	90	357	359	477				
HB 114	80	90	106	108	126	176	483	495	523
HB 115	86	90							
HB 116	86	90							
HB 117	86	90							
HB 118	86	90							
HB 119	86	90	110	110	126	176	383	485	523

HB 120	Authorizing limited enforcement of the Dog Law (Newsom, J. B. Reed).
HB 121	Prohibiting exhibition of walking horses which show evidence of painful training methods (Davidson).
HB 122	Regulating installment sales contracts of motor vehicles (Bridgers).
HB 123	Requiring that drivers' licenses show blood type (Harris).
HB 124	Providing for removal of sanitation district board members (Cottengim).
HB 125	Relating to minimum wages for all occupations (Cottengim).
HB 126	Relating to police and firemen's pension funds in third class cities (Breathitt, H. V. Reid, Buchanan, Grigsby, Melton, Hislope, Moore, Everett, Peace).
HB 127	Requiring proof of financial responsibility for motor vehicle registration (Blankenship).
HB 128	Relating to police and firemen's pension funds in third class cities (Peace).
HB 129	Relating to annexation by a third class city (Peace).
HB 130	Revoking the Tax Commission's power to equalize assessments (Peace).
HB 131	Changing terms of court in the 25th Judicial District (Thompson).
HB 132	Setting penalties for littering highways (Williamson).
HB 133	Transferring Benton to the fourth class of cities (McCallum).
HB 134	Allowing married women to contract for debt of spouse (McCallum).
HB 135	Requiring uniform weight for tobacco weighing equipment (Searcy).
HB 136	Relating to employees of second and fourth class cities (Ockerman).
HB 137	Prohibiting taking or offering money in connection with adoptions (Cottengim, Isler).
HB 138	Requiring shelter and sanitation facilities for certain railroad employees (Cottengim).
HB 139	Increasing salaries of sanitation district board members (Cottengim).
HB 140	Defining civil rights of eighteen-year-olds (Cornett, Gay, Carter).
HB 141	Authorizing suspension of drivers' licenses for reckless driving (Day).
HB 142	Increasing compensation of coroners (Cottengim, Isler, Grundy, Wirsch).
HB 143	Requiring registration of voters every four years (Burnley).
HB 144	Restricting public utilities to the business for which they were certified (Newsom).
HB 145	Creating an Egg Marketing Board (Billington).

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Other Action
				1st	2nd	3rd			
HB 120	86	90							
HB 121	86	90	497	497	524	919	1061	1061	
HB 122	86	90							
HB 123	86	90	106	109	126	350			
HB 124	86	90	148	156	196	227	518	702	518
HB 125	86	90	203	203	260	481			
HB 126	89	118	110	111	126	177	383	485	523
HB 127	89	118	287						348
HB 128	89	118							
HB 129	89	118	415	424	493				
HB 130	89	118							
HB 131	89	118	292	292	381	479	899	913	
HB 132	89	118	196	723					
HB 133	89	118	160	161	196	229	518	702	
HB 134	89	118							
HB 135	89	118	206	208	260	384	772	780	
HB 136	89	118	148	164	196	228	740	780	
HB 137	89	118	233	237	266	480			
HB 138	89	118	561	565	726				
HB 139	90	118	148	163	196	228	931	991	
HB 140	90	118							
HB 141	90	118							
HB 142	90	118							
HB 143	90	118							
HB 144	118	128							
HB 145	118	128	148	152	196	261	1056	1061	

HB 146	Increasing penalty for driving under the influence of alcohol or narcotics (Blankenship).
HB 147	Requiring certain signs on school busses (C. S. Howard).
HB 148	Relating to salaries and removal of city managers (Weintraub).
HB 149	Establishing a state college at Elizabethtown (C. S. Howard).
HB 150	Imposing license taxes on trucks taking orders (Newsom).
HB 151	Making an appropriation for a chestnut tree nursery (Caudill).
HB 152	Relating to limited licenses to practice medicine (Stith).
HB 153	Transferring Loyall to the fifth class of cities (Pollitte, Saylor).
HB 154	Requiring that sixth class cities publish annexation ordinances (Day).
HB 155	Relating to the Board of Barber and Beautician Examiners (Williamson).
HB 156	Establishing a state park at Fort Boonesboro (Thompson).
HB 157	Relating to assessments for public improvements (Ockerman).
HB 158	Making certain lawn grass seed mixtures subject to labeling and testing requirements (Ockerman).
HB 159	Changing qualifications for police court judges in second class cities (Cottengim).
HB 160	Amending the Constitution to provide a veterans bonus (Grigsby).
HB 161	Decreasing the minimum par value of insurance company stock (Harris, Buchanan).
HB 162	Authorizing life insurance companies to invest in certain common stock (Buchanan, Harris).
HB 163	Amending the Constitution to authorize special courts (Caudill).
HB 164	Relating to discontinuation of railroad passenger service (Walsh, Hilton, Bush, Saylor, Cottengim, Rayburn, Qualls, Anderson, Isler).
HB 165	Authorizing certain counties to pension policemen (Ray).
HB 166	Increasing maintenance allowances for pauper idiots (Lambert).
HB 167	Reducing annual theatre license taxes (Lambert).
HB 168	Regulating packaging of commodities (Hinkle).
HB 169	Making an appropriation to furnish *Kentucky Revised Statutes* to legislators (Day, Blankenship, Burnley, Searcy, Carter, Davidson, Murphy, Melton, Bush, Walsh, Harris, Bridgers, Tanner, Embry, Ockerman, Thompson, A. W. Wells, Greene, Everett, Mackey, Cottengim, Newsom, Johnson, H. V. Reid, Billington, Young, Ray, Hislope, Bates, Saylor, Grundy, McCallum, Breathitt, Thomas, Blue, Flan-

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Other Action
				1st	2nd	3rd			
HB 146	118	128	280	280	381	786			283
HB 147	118	128	194	196	224	262	518	702	
HB 148	118	128							
HB 149	119	128	561	570	726				
HB 150	119	128							
HB 151	119	128	363	363	477	779	994	1030	
HB 152	119	128	142	146	196	932			995
HB 153	119	128	160	160	196	228	518	702	
HB 154	119	128	172	172	196				
HB 155	119	128	233	238	266	520	910	913	
HB 156	119	128	414	414	493	555	933	993	
HB 157	119	128	246	247	266				
HB 158	119	128	206	208	260	914	1038	1039	
HB 159	119	128	561	570	726				
HB 160	119	128							
HB 161	119	128	210	213	260	276	772	780	
HB 162	119	128	210	212	260	276			
HB 163	119	128	251	258	266				
HB 164	119	128	561	571	726				
HB 165	119	128	191	191	224	781	1038	1039	
HB 166	120	128							
HB 167	120	128							
HB 168	120	128	363	363	477	998	1056	1061	1056
HB 169	120	128	415	424	493				

ery, Reynolds, Wilson, Rayburn, Anderson, V. Reed, Mullins, McFadden, Nunn, Moore, Hill, Martin, R. Reid, Freeman, Ratcliffe, Weintraub, Breckinridge).

HB 170 Requiring mechanical signals at railroad crossings (Hahn).

HB 171 Transferring Springfield to the fourth class of cities (Freeman).

HB 172 Increasing membership of the Board of Agriculture (A. W. Wells, Stith, Hadden, Cornett, C. S. Howard, Qualls, R. Reid).

HB 173 Relating to membership of the Agricultural and Industrial Development Board (A. W. Wells, Stith, Hadden, Cornett, C. S. Howard, Qualls, R. Reid).

HB 174 Regulating intrastate telephone rates (McCallum).

HB 175 Placing nursing homes under the Hospital Licensure Act (Williamson).

HB 176 Enacting a right-to-work law (Williamson).

HB 177 Providing a veterans bonus and alcoholic beverage sales tax (Cornett).

HB 178 Relating to payment of wages to employees (Walsh, Moore, Cottengim, Isler, Bush).

HB 179 Authorizing Social Security for state colleges (Harris, Hinkle).

HB 180 Relating to payroll taxes in second to sixth class cities (Cottengim, Day, Isler).

HB 181 Relating to tax refund on gasoline used for non-highway purpose (Hinkle, Thomas, Parrish, Conrad).

HB 182 Making the totally disabled eligible for public assistance (Davidson).

HB 183 Relating to election of school board members (Breckinridge).

HB 184 Requiring certain information in real estate deeds (Hahn).

HB 185 Making an appropriation for mosquito control (Beshear).

HB 186 Deleting the maximum school tax rate (Breckinridge).

HB 187 Amending the Constitution relating to education (Breckinridge).

HB 188 Requiring vehicles to stop for school busses on all highways (Breckinridge).

HB 189 Requiring that animal disposal plants be licensed (A. W. Wells).

HB 190 Increasing fees for Comomnwealth's witnesses in felony cases (McFadden).

HB 191 Revoking the Tax Commission's power to equalize assessments (McFadden).

HB 192 Making insurance agents and examining doctors agents of the insurer (Beshear).

HB 193 Increasing the maximum voters in certain precincts (Ockerman).

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Other Action
				1st	2nd	3rd			
HB 170	128	136							
HB 171	128	136							
HB 172	128	136	206	207	260	480			
HB 173	128	136							
HB 174	128	136							
HB 175	129	136							
HB 176	129	136							739, 769
HB 177	129	136							
HB 178	129	136	705	707	739				
HB 179	129	136	148	149	196	226	483	495	523
HB 180	129	136							
HB 181	129	136							
HB 182	129	136							
HB 183	136	182	248	249	266				
HB 184	136	182	375	378	477				
HB 185	136	182	705	708	739	914	1050	1052	909
HB 186	136	182	561	571	726				
HB 187	136	182	357	357	477				
HB 188	136	182							
HB 189	136	182	561	572	726				
HB 190	136	182							
HB 191	137	182							
HB 192	137	182	705	708	739				
HB 193	137	182	292	292	381				

HB 194	Authorizing group life insurance by certain trusts (McCallum).
HB 195	Increasing the minimum teacher retirement allowance. (Peace, McFadden, McKinney, H. V. Reid, Griffin, Grundy, Jennings).
HB 196	Providing referendums on election of county school superintendents (Peace).
HB 197	Changing the date of primary elections for third class city officers (Peace).
HB 198	Making former county judges members of budget commissions (Moore).
HB 199	Relating to juvenile court jurisdiction in traffic violation cases (Moore).
HB 200	Authorizing commitment of children to the Youth Authority for a limited period of time (Moore).
HB 201	Creating the 45th Judicial District (Tanner).
HB 202	Changing season for fishing in certain navigable waters (Thompson).
HB 203	Increasing per diem of circuit court jurors (Kubale).
HB 204	Making insurance agents agents of the insurer (Bush).
HB 205	Giving a preferred claim against decedent's estates for funeral expenses (Kubale).
HB 206	Authorizing persons over sixty years old to trap without a license (Casey).
HB 207	Requiring written consent to hunt on enclosed lands of another (Casey).
HB 208	Empowering State Police to require motor vehicle repairs (Newsom).
HB 209	Authorizing arrests without warrants at the scene of motor vehicle accidents (Harris, Davis).
HB 210	Authorizing State Police to erect roadblocks (Everett).
HB 211	Creating a State Board of Practical Dental Examiners (Cornett).
HB 212	Imposing an excise tax on soft drinks (Buchanan).
HB 213	Authorizing oral prescriptions of certain drugs (Bridgers).
HB 214	Transferring Brandenburg to the fifth class of cities (Stith).
HB 215	Providing life certificates for certain teachers (Casey).
HB 216	Authorizing state agencies to borrow in anticipation of revenue from certain bonds (Morgan).
HB 217	Regulating handling and testing of milk and cream (Everett).
HB 218	Making an appropriation to pay approved claims (Morgan).
HB 219	Relating to evidence in judicial review of administrative orders (Davidson).
HB 220	Relating to payment of certain circuit court receivers (Morgan).

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Other Action
				1st	2nd	3rd			
HB 194	137	182	287	289	381				
HB 195	137	182	248	248	266				
HB 196	137	182							
HB 197	137	182							
HB 198	137	182							
HB 199	137	182							
HB 200	137	182							
HB 201	137	182	251	251	266	350	730	780	
HB 202	137	182							
HB 203	137	182	561	575	726				
HB 204	137	182							
HB 205	137	182							
HB 206	137	182							
HB 207	137	182	357						
HB 208	137	182	194	194	224	770	1018	1030	383
HB 209	137	182	743	743	774				
HB 210	138	182	194	195	224	263			
HB 211	138	182							
HB 212	138	182							
HB 213	138	182	332	332	382	522	931	991	
HB 214	138	182	247	248	266	483	1023	1030	
HB 215	138	182							
HB 216	138	182	210	221	260	383			
HB 217	138	182	388	390	493	774	1018	1030	
HB 218	138	182	210	220	260	382	1038	1039	
HB 219	138	182	251	257	266	728	1023	1030	
HB 220	138	182	210	211	260	521			

HB 221	Prohibiting fraudulent branding of food as kosher (Weintraub).
HB 222	Changing eligibility for the office of special circuit judge (Grigsby, Weintraub).
HB 223	Requiring junk dealers to report purchases of copper wire (Martin).
HB 224	Imposing a tax on daily newspapers (Buchanan, Greene).
HB 225	Authorizing sale of non-explosive fireworks (Harris).
HB 226	Regulating disposition of fines for over weight trucks (Bridgers).
HB 227	Empowering fiscal courts to appoint a friend of the court (Young).
HB 228	Creating an Unsatisfied Claim and Judgment Fund (Wathen).
HB 229	Authorizing county civil service commissions (Cottengim, Isler).
HB 230	Amending the Constitution relating to elections (C. S. Howard).
HB 231	Providing for mediation of disputes between second class cities and their employees (Cottengim, Isler).
HB 232	Defining jurisdiction in actions occurring on county boundaries (Gullette).
HB 233	Relating to county children's bureaus (Breckinridge).
HB 234	Prohibiting communistic literature in school libraries (Sloan).
HB 235	Amending the Constitution relating to residence of local officers (Blankenship).
HB 236	Providing a lifetime license for historic motor vehicles (Isler).
HB 237	Making motor vehicle operators non-liable for non-paying passengers (C. S. Howard, Hawkins, Blankenship, Qualls, McFadden, Hahn, D. W. Howard, Carter, Stith, J. B. Reed, Ockerman, Hilton, Hinkle, McKinney, Pollitte, A. W. Wells, V. Reed, Nunn).
HB 238	Authorizing dealers to deduct taxes from gasoline for non-highway purposes (Grundy, Heskamp).
HB 239	Providing for County Buildings Commissions (Cornett).
HB 240	Authorizing city or county urban renewal projects (Weintraub, Hinkle).
HB 241	Requiring written consent to hunt on enclosed land of another (Hislope, Bates).
HB 242	Limiting workmen's compensation for injury to a member (Buchanan).
HB 243	Excluding casual employees from Workmen's compensation (Buchanan).
HB 244	Setting penalties for giving alcoholic beverages to minors

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Other Action
				1st	2nd	3rd			
HB 221	138	182	415	418	493	728	910	1030	1012, 1014
HB 222	138	182	561	576	726				
HB 223	138	182	210	210	260	349	1018	1030	1020
HB 224	138	182	210	210	260				
HB 225	139	182	415	424	493	786			
HB 226	139	182	497	498	524				
HB 227	139	182	251	258	266	770	1018	1036	
HB 228	182	198							
HB 229	182	198	415	432					
HB 230	182	198							
HB 231	182	198	398	411	494				
HB 232	182	198	561	577	726				
HB 233	182	198							
HB 234	182	198							
HB 235	182	198							
HB 236	182	198							
HB 237	182	198	561	577	726				
HB 238	183	198							
HB 239	183	198	292	292	381				
HB 240	183	198	415	441	494	732	931	991	
HB 241	183	198							
HB 242	183	198							
HB 243	183	198							
HB 244	183	198	789	851	908				

	(Thomas, H. V. Reid, Hahn, Hinkle, Bush, Qualls, Conrad, Blue, Gay).
HB 245	Making an appropriation to give the *Legislative Record* to five persons designated by each legislator (Thomas, H. V. Reid, Hahn, Hinkle, Bush, Qualls, Conrad, Blue, Gay).
HB 246	Providing for appointment of workmen's compensation referees (Newsom, J. B. Reed).
HB 247	Creating a new Judicial District (C. S. Howard, Embry).
HB 248	Authorizing circuit clerks to advertise driver license requirements (Lowman).
HB 249	Limiting fines and bail in traffic cases (Lowman).
HB 250	Relating to alcoholic beverage sales (Cottengim, Isler).
HB 251	Reducing the work week for second class city police (Burnley, Cottengim, Davidson, Weintraub, Wirsch, Murphy, Hilton).
HB 252	Changing descent of real estate of a person dying intestate (Breathitt, Heyburn, Caudill, Ockerman).
HB 253	Creating a Tobacco Warehouse Act revolving fund (Hinkle).
HB 254	Relating to pest control licenses (Harris, Hadden, A. W. Wells).
HB 255	Regulating motor vehicle installment sales (Holsclaw, Bridgers).
HB 256	Restoring the county unit in local option elections on alcoholic beverage sales (Conrad, V. Reed, Hawkins, Caudill, Blue, Billington, McKinney, Grundy).
HB 257	Relating to sewer districts in counties containing a first class city (Ray).
HB 258	Relating to costs of sewers in counties containing a first class city (Ray).
HB 259	Relating to statutory construction in case of conflict (Ray).
HB 260	Relating to fees of sewer districts in counties containing a first class city (Ray).
HB 261	Relating to workmen's compensation benefits (Harris).
HB 262	Lowering the minimum age for insurance solicitors (Blue).
HB 263	Empowering any city to apply for establishment of a regional planning commission (Lowman, Weintraub).
HB 264	Relating to the Board of Optometric Examiners (Davidson).
HB 265	Requiring that meetings of administrative boards be public (Hill, Martin).
HB 266	Requiring publication of state audits of counties (Hill, Newsom, Martin).
HB 267	Requiring banks to refuse payment of checks presented after a year (Billington).
HB 268	Prohibiting banks from making loans on the security of shares of their own capital stock (Billington).

	Introduced	Referred	Reported	Readings 1st	2nd	3rd	Senate Message	Enrolled	Other Action
HB 245	183	198							
HB 246	183	198							
HB 247	183	198	251	254	266	478	1038	1039	
HB 248	183	198	246	247	266				
HB 249	183	198	398	410	494				
HB 250	183	198	210	220	260	770			
HB 251	183	198	398	413	494	517			736
HB 252	183	198	251	257	266	384	931	991	
HB 253	183	198	206	207	260	481	1018	1036	
HB 254	184	198	388	389	493				
HB 255	184	182	186	186	224	273	931	1030	1009
HB 256	184	198							
HB 257	184	198	210	215	260	557	910	914	
HB 258	184	198	210	214	260	557	910	914	
HB 259	184	198	497	498	524				
HB 260	184	198	210	213	260	558	931	991	
HB 261	184	198	743	744	774				
HB 262	184	198	287	291	381				
HB 263	184	198	743	745	774	918			
HB 264	184	198	233	241	266	730	1056		352
HB 265	184	198							
HB 266	184	198	561	577	726				
HB 267	184	198	287	287	381				
HB 268	185	198	287	288	381				

HB 269	Giving banks one business day in which to refuse payment of certain demand items (Billington).
HB 270	Changing the penalty for first drunken driving offense (Kubale).
HB 271	Limiting the work day of third and fourth class police (Thomas).
HB 272	Reducing the maximum interest on certain petty loans (Thomas).
HB 273	Relating to rights of employers and employees (Cottengim).
HB 274	Relating to health and safety of hotel and restaurant employees (Cottengim).
HB 275	Relating to recording of articles of incorporation (Heyburn).
HB 276	Repealing certain restrictions on names of partnerships (Ray).
HB 277	Prohibiting use of the word "bank" in names of certain loan companies (Billington).
HB 278	Providing for condemnation to construct coal conveyors (Newsom).
HB 279	Relating to tax levies for certain school districts (Wathen).
HB 280	Amending the Constitution relating to the General Assembly (Day).
HB 281	Requiring city utilities to make payments in lieu of taxes to certain school districts (Tanner, Day).
HB 282	Relating to distilled spirits production taxes (Morgan).
HB 283	Transferring authority for approving motor vehicle safety glass (Morgan).
HB 284	Exempting school superintendents from statutory salary limits (Morgan).
HB 285	Increasing the amount of school supplies that may be purchased without bids (Morgan).
HB 286	Repealing salary limits on college presidents (Morgan).
HB 287	Changing date for reporting campaign expenditures (Gay).
HB 288	Requiring certain equipment on cabooses (Day, Walsh).
HB 289	Relating to trailer coach park sanitary facilities (McCallum).
HB 290	Allowing one unlicensed dog per household (J. B. Reed, Qualls, Freeman, Pollitte, Grigsby, Gay, Blankenship, Embry, V. Reed, Dunsil, Peace, McKinney, Newsom, Thomas, Sloan).
HB 291	Authorizing election judges to register voters at the polls (Wirsch, Cottengim, Isler).
HB 292	Prohibiting campaign contributions by labor unions (A. W. Wells, Hislope).
HB 293	Regulating strikes and picketing (A. W. Wells, Hislope).
HB 294	Setting penalties for sale of narcotics, liquor, explosives, or firearms to a convict (Burnley, Day).
HB 295	Extending the statute of limitations for certain actions (Ray).

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Other Action
				1st	2nd	3rd			
HB 269	185	198	287	288	381				
HB 270	185	198	487	489	517				
HB 271	185	198	398	409	494				
HB 272	185	198	415	440	494				
HB 273	185	198	561	578	726				
HB 274	185	198	705	709	739				
HB 275	185	198							
HB 276	185	198	743	746	774				
HB 277	200	203	233	236	266				
HB 278	200	203	233	237	266	785	1023	1030	352
HB 279	200	203	497	498	524	735			
HB 280	200	203	357	361	477				
HB 281	200	203							
HB 282	201	203	487	489	517	931	1056	1061	
HB 283	201	203	233	234	266	383	1018	1036	
HB 284	201	203	233	234	266	519			
HB 285	201	203	233	243	266	494	1018	1036	
HB 286	201	203	233	235	266	518	1018	1036	
HB 287	201	203	415	422	493				
HB 288	201	203	705	709	739				
HB 289	201	203	388	396	493				
HB 290	201	203	307	327	382				
HB 291	201	203	561	578	726	781			
HB 292	201	203							
HB 293	201	203							
HB 294	201	203	233	240	266	385	931	991	
HB 295	201	203	375	377	477				

HB 296	Changing salary of certain circuit clerks (J. B. Reed, Newsom).
HB 297	Increasing fees for duplicate drivers' licenses (Everett).
HB 298	Allowing circuit clerks a fee for preparing driver's instruction permit applications (Everett).
HB 299	Increasing circuit clerks' fees in inquests on incompetents (Everett).
HB 300	Allowing circuit clerks and the Clerk of the Court of Appeals a fee for attestations on court records (Everett).
HB 301	Increasing circuit clerks fees as law librarians (Everett).
HB 302	Relating to compensation and duties of coroners and deputies (Cottengim, Grundy, Isler).
HB 303	Relating to certification of election (C. S. Howard, D. W. Howard, Hawkins, Pollitte, Nunn, Grundy, McKinney, V. Reed, Stith).
HB 304	Authorizing purgation of persons failing to vote for two years (C. S. Howard, D. W. Howard, Hawkins, Pollitte, Nunn, Grundy, McKinney, V. Reed, Stith).
HB 305	Allowing certain fiscal courts to set pay of circuit clerks (Tanner).
HB 306	Providing that certain circuit judges shall set reporters' salaries (Weintraub, Cottengim).
HB 307	Repealing the maximum interest rate by pawnbrokers (Holsclaw).
HB 308	Requiring specified crews on trains (Hilton, Rayburn, Bush, Qualls).
HB 309	Authorizing malt beverage sales by grocery stores (Murphy).
HB 310	Authorizing creation of Farm Products Market Facilities (Newsom).
HB 311	Relating to computation of interest on loans (D. W. Howard).
HB 312	Requiring interlocutory judgments in divorce cases (McKinney).
HB 313	Creating a new city in Campbell County (Weintraub).
HB 314	Providing free hunting and fishing licenses for the blind (Mackey, Hinkle).
HB 315	Amending the Constitution relating to conventions (Burnley).
HB 316	Requiring specified exhaust equipment on certain vehicles (Searcy).
HB 317	Requiring election of fourth class city police judges (Young).
HB 318	Increasing the fines certain local courts may impose (Kubale).
HB 319	Changing the jurisdiction of police courts (Kubale).
HB 320	Providing that drivers' licenses be issued on birth dates (Everett).

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Other Action
				1st	2nd	3rd			
HB 296	202	203	789	851	908	996			
HB 297	202	203	233	243	266	519	1018	1036	
HB 298	202	203	233	244	266	899	1018	1036	
HB 299	202	203	233	235	266	910	1018	1036	
HB 300	202	203	233	235	266	494	1018	1036	
HB 301	202	203	233	244	266	494		1036	
HB 302	202	203	415	439	494	778	994	1030	
HB 303	202	203							
HB 304	202	203	357	362	477				
HB 305	202	203	789	852	908	996	1056	1061	
HB 306	202	203	415	437	493	774	933	994	776
HB 307	202	203	307	327	382				
HB 308	229	233	345	345	382				
HB 309	229	233							
HB 310	229	233	561	579	726	917	1009		
HB 311	229	233	307	325	382				
HB 312	230	233							
HB 313	230	233	561	590	726				
HB 314	230	233							
HB 315	230	233							
HB 316	230	233							
HB 317	230	233	398	414	494	779			
HB 318	230	233	375	380	477				
HB 319	230	233							
HB 320	230	233							

HB 321	Amending the Constitution relating to coroners (Hill, Martin).
HB 322	Enacting the Teachers' Retirement Act (Hinkle).
HB 323	Authorizing second class cities to adopt a code of ordinances (Ockerman).
HB 324	Relating to the foundation program for education (Hinkle).
HB 325	Increasing per diem of State Real Estate Commission (Day).
HB 326	Allowing constables a fee for arrest in misdemeanor cases (Blue, Beshear, Breathitt, Greene).
HB 327	Limiting the Water Pollution Control Commission's power to require construction (Tanner, Cottengim, V. Reed, Lowman, R. Reid, Hahn, Thomas, Blankenship, J. B. Reed, Conrad, Buchanan, Hadden, Melton, Bates, Lambert, Isler, McKinney, Peace, Davis).
HB 328	Relating to Workmen's Compensation for Department of Revenue employees (Morgan, Billington).
HB 329	Relating to Workmen's Compensation for Department of Economic Security employees (Morgan, Billington).
HB 330	Increasing license fees for insurance adjusters and solicitors (Morgan, Billington).
HB 331	Providing that resident and non-resident insurance agents shall share equally in certain commissions (Morgan, Billington).
HB 332	Providing that resident and non-resident insurance agents shall share equally in certain commissions (Morgan, Billington).
HB 333	Changing procedures for tax refunds on aviation gasoline (Morgan).
HB 334	Requiring that claims against a county be registered with the fiscal court (Morgan).
HB 335	Authorizing a blanket position bond for state officers (Billington, Morgan).
HB 336	Requiring insurance companies to make certain tax reports (Morgan, Billington).
HB 337	Relating to Workmen's Compensation for Teachers' Retirement System employees (Morgan, Billington).
HB 338	Relating to Workmen's Compensation for state employees (Morgan, Billington).
HB 339	Relating to Workmen's Compensation for Welfare Department employees (Morgan, Billington).
HB 340	Changing requirements for teaching by retired teachers (Davidson).
HB 341	Increasing costs that may be recovered for cutting Canada thistles (Davidson).
HB 342	Providing for secret election of precinct committeemen (Breckinridge).

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Other Action
HB 321	230	233							
HB 322	230	233	367	368	477	556	1018	1036	
HB 323	230	233	398	413	494				
HB 324	230	233	367	371	477	727	1050	1061	1051
HB 325	230	233							
HB 326	230	233							
HB 327	230	233	266	271	349				
HB 328	231	233	398	413	494	787	1018	1036	
HB 329	231	233	287	291	381	787	1018	1036	
HB 330	231	233	307	326	382	919	1050	1052	
HB 331	231	233	307	309	382	912	1050	1052	
HB 332	231	233	307	307	382	912	1050	1052	
HB 333	231	233	307	311	382	520	1018	1036	
HB 334	231	233	307	312	382	520	1018	1036	
HB 335	231	233	487	488	517	921	1050	1052	
HB 336	231	233	307	308	382				
HB 337	231	233	487	491	517	789	933	993	
HB 338	231	233	307	331	382	788	933	994	
HB 339	231	233	487	488	517	788	933	994	
HB 340	231	233	497	499	524				
HB 341	232	233	415	430	493	518	931	991	
HB 342	263	271							

HB 343	Relating to regulation of motor carriers (Morgan).
HB 344	Amending the Constitution to authorize a veterans bonus (Sloan).
HB 345	Making an appropriation for purebred cattle shows (C. S. Howard, Stith, Embry).
HB 346	Providing a veterans bonus and an alcoholic beverage sales tax (Sloan).
HB 347	Relating to examinations for county tax commissioner (Gullette).
HB 348	Requiring certain information on hunting and fishing licenses (Davis, Harris).
HB 349	Prohibiting pari-mutuel betting on horse races (Billington).
HB 350	Regulating sharing of insurance commissions (Billington).
HB 351	Authorizing insurance for county hospital patients (Young).
HB 352	Increasing penalty for selling narcotics to minors (Kubale).
HB 353	Prohibiting rebates by florists to funeral directors (Bridgers).
HB 354	Increasing the minimum teachers' retirement allowance (D. W. Howard).
HB 355	Amending the Constitution relating to prosecuting attorneys (D. W. Howard).
HB 356	Changing the school entrance age (Tanner).
HB 357	Authorizing fiscal courts to appropriate for certain colleges (Burnley).
HB 358	Transferring Carlisle to the fourth class of cities (Hinkle).
HB 359	Changing composition and duties of the Council on Public Higher Education (Breckinridge).
HB 360	Authorizing a merit system for employees of certain counties (Breckinridge).
HB 361	Making an appropriation for tobacco research (Breckinridge).
HB 362	Relating to child welfare and adoptions (Morgan).
HB 363	Requiring certain tax reports by life insurance companies (Morgan).
HB 364	Making the Department of Economic Security the cooperating agency for the Wagner-Peyson Act (Morgan, Wathen).
HB 365	Relating to payment of license taxes by itinerant vendors (Morgan, Wathen).
HB 366	Exempting U-Drive-It vehicles from usage tax (Morgan, Wathen).
HB 367	Authorizing an earlier season for hunting squirrels (Blankenship).
HB 368	Authorizing Social Security for teachers (Peace).
HB 369	Relating to unemployment compensation (Morgan).
HB 370	Setting penalties for unlicensed amusement admission sales (Morgan).

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Other Action
				1st	2nd	3rd			
HB 343	264	271	307	312	382				
HB 344	264	271							
HB 345	264	271	364	365	477				
HB 346	264	271							
HB 347	264	271	705	710	739	918			
HB 348	264	271	497	499	524				
HB 349	264	271							
HB 350	264	271	561	593	726				
HB 351	264	271	561	593	726	917	1061	1061	
HB 352	264	271	789	852	908				
HB 353	264	271	705	711	739				
HB 354	264	271							
HB 355	264	271	375	379	477				
HB 356	264	271							
HB 357	264	271	497	500	524	734	1018	1030	
HB 358	264	271	561	594	726				
HB 359	271	279							
HB 360	271	279							
HB 361	271	279	561	594	726				
HB 362	271	279	415	454	494	771	933	1030	739, 771, 1009, 1014
HB 363	272	279	415	415	493	560	1038	1039	
HB 364	272	279	415	430	493	729	1061	1061	
HB 365	272	279	415	450	494	560	1018	1030	
HB 366	272	279	415	449	494	772			
HB 367	272	279	497	501	524				
HB 368	272	279							
HB 369	272	279	561	595	726	993			994, 999
HB 370	272	279	415	476	494	556	1023	1030	

HB 371	Making an appropriation for National Guard Armories (A. W. Wells).
HB 372	Relating to traffic regulation of school zones (Jennings, Lambert).
HB 373	Changing qualifications for licensed veterinarians (Bush).
HB 374	Authorizing creation of public street lighting districts (Newsom).
HB 375	Limiting eligibility to vote on certain bond issues (Newsom, J. B. Reed).
HB 376	Establishing a merit system for state employees (Freeman, R. Reid).
HB 377	Relating to alcoholic beverage possession in dry counties (McFadden).
HB 378	Requiring that votes be counted within a week of the election (Breckinridge).
HB 379	Authorizing certain organizations to name election challengers (Breckinridge).
HB 380	Authorizing vote recounts in one county of a district (Breckinridge).
HB 381	Requiring motor vehicle dealers, distributors, and manufacturers to be licensed (Lowman, Blankenship).
HB 382	Increasing the malt beverage excise tax (Reynolds).
HB 383	Extending sick leave benefits to certain school officers (Hinkle).
HB 384	Increasing the maximum tax in certain school districts (Tanner).
HB 385	Regulating flashing lights near highways (Davidson).
HB 386	Exempting certain places of entertainment from regulation (Reynolds).
HB 387	Prohibiting discrimination in employment because of race or creed (Murphy).
HB 388	Prohibiting paid solicitation of business for attorneys (Breathitt, Breckinridge, Melton, Gullette, Hinkle, Heyburn, Ockerman, Lowman).
HB 389	Providing an alternative method of financing improvements in certain cities (Ockerman).
HB 390	Giving veterans preference in state employment (Gay, Carter).
HB 391	Transferring Hyden to the fifth class of cities (Gay).
HB 392	Relating to modification of wage and hour law decisions (Cottengim).
HB 393	Providing for bravery citations to firemen (Lowman).
HB 394	Requiring schools to provide classes for handicapped pupils (Lowman).
HB 395	Relating to wage rates on public projects (Farmer, Miller, Moore).

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Other Action
HB 371	272	279	357	360	477	736	931	991	727
HB 372	272	279	743	747	774				
HB 373	272	279							
HB 374	272	279	789	853	908				
HB 375	272	279	561	607	726				
HB 376	272	279							
HB 377	272	279							
HB 378	273	279							
HB 379	273	279							
HB 380	273	279							
HB 381	273	279	333	333	382	772	1061	1061	
HB 382	274	279							
HB 383	274	279	367	370	477	556			
HB 384	274	279	415	438	494	908			
HB 385	274	279	743	747	774				
HB 386	274	279							
HB 387	274	279	789	856	908				
HB 388	274	279	743	747	774				
HB 389	274	279	398	398	493	778	1009	1030	1015
HB 390	274	279	356	356	477				
HB 391	274	279	398	414	494				
HB 392	274	279							
HB 393	274	279	743	747	774				
HB 394	274	279	561	607	726	910	1061	1061	
HB 395	274	279	789	863	908				

HB 396	Relating to employment certificates for minors (Cottengim).
HB 397	Regulating collection of unpaid wages (Cottengim).
HB 398	Authorizing staff for the Council on Public Higher Education (Hinkle).
HB 399	Relating to licensing of insurance agents and solicitors (Morgan, Billington).
HB 400	Providing that counties and school districts shall divide federal flood control payments (Hinkle).
HB 401	Providing for transfer of property between school districts (Hinkle, Davidson, Tanner, Burnley, Ockerman, Moore, R. Reid, H. V. Reid, Breckinridge).
HB 402	Relating to wage rates on public projects (Hilton).
HB 403	Providing for administration of vocational education (Hinkle).
HB 404	Authorizing certain boards of education to levy a payroll tax (Holsclaw, Barnum, Murphy, Bridgers, Heyburn, Farmer, Miller, Anderson, Ray, Walsh).
HB 405	Authorizing an insurance fund in certain school districts (Barnum).
HB 406	Regulating metropolitan sewer district charges (Holsclaw).
HB 407	Authorizing use of black powder in coal mines (Reynolds, Dunsil, Griffin, Peace, McFadden, McKinney, Gay, Buchanan, Bates).
HB 408	Creating a Board of Boiler Rules (Cottengim, Wirsch).
HB 409	Relating to strip mining permits (Bates, Hislope).
HB 410	Regulating assets pledged by banks and trust companies (Ockerman).
HB 411	Authorizing life certification of eligibility for tax commissioner (L. B. Wells).
HB 412	Prohibiting fraudulent display of V.F.W. badges (L. B. Wells).
HB 413	Relating to city planning and zoning commissions (Hawkins).
HB 414	Authorizing a tax to finance certain county law libraries (Thompson).
HB 415	Authorizing a tax for organizational expenses of county water commissions (Searcy).
HB 416	Regulating motor fuel sales and advertising (Harris, Bridgers).
HB 417	Requiring county election commissions to certify votes within fifteen days of the election (Nunn, C. S. Howard).
HB 418	Relating to subdivision roads in certain counties (Holsclaw).
HB 419	Changing the time limit for fixing pay of certain county officers (Holsclaw).
HB 420	Increasing the maximum compensation of local officers (Wirsch, Cottengim).

	Introduced	Referred	Reported	Readings 1st	2nd	3rd	Senate Message	Enrolled	Other Action
HB 396	274	279	789	863	908				
HB 397	274	279	789	864	908				
HB 398	274	279	367	370	477	782	1061	1061	
HB 399	275	279	415	420	493	919	1061	1061	
HB 400	275	279	415	429	493	782			
HB 401	275	279	367	368	477	558	931	991	
HB 402	275	279							
HB 403	275	279	415	448	494	782	1050	1052	
HB 404	275	279	380	380	477	733	931	1030	1010
HB 405	275	279	497	501	524				
HB 406	275	279	497	502	524	733	1009	1036	
HB 407	275	279	789	865	908				
HB 408	277	279	789	869	908				
HB 409	278	279	497	504	524				
HB 410	278	279	789	875	908				
HB 411	352	355							
HB 412	352	355							
HB 413	352	355	789	876	908				
HB 414	352	355	789	876	908				
HB 415	352	355	397	397	493	909	1061	1061	
HB 416	353	355	705	711	739				
HB 417	353	355	561	608	726				
HB 418	353	355	705	715	739	917	1061	1061	
HB 419	353	355	415	423	493				
HB 420	353	355	789	878	908				

HB 421	Repealing requirement of separate Negro railroad coaches (Anderson).
HB 422	Allowing circuit clerks a fee for collecting certain state taxes (J. B. Reed).
HB 423	Authorizing circuit clerks to pay Commonwealth's witnesses from a petty cash fund (J. B. Reed).
HB 424	Defining evidence of county population (J. B. Reed).
HB 425	Authorizing use of county funds for certain non-profit associations (Hahn, Hadden, Young, Hilton).
HB 426	Levying a tax on lodgings, earmarked for Teachers' Retirement (Tanner).
HB 427	Prohibiting limited sales below cost (Harris).
HB 428	Setting penalties for restricting employees political rights (Burnley).
HB 429	Repealing state tax on amusement admissions (Flanery, Reynolds, Buchanan, Qualls, Greene, Harris, Moore).
HB 430	Restricting drilling oil or gas wells near leaseholds (Melton, Blue).
HB 431	Requiring that gas or oil well drillers restore land (Melton, Blue).
HB 432	Revoking authority to condemn land for oil or gas pipelines (Melton, Blue).
HB 433	Requiring that oil or gas be measured accurately before sale (Hahn).
HB 434	Authorizing certain equipment on press cars (C. S. Howard, Sloan, Stith, Day, Nunn, Grigsby, A. W. Wells, Flanery, Miller, Tanner).
HB 435	Changing requirements for school attendance (Gay).
HB 436	Setting a fine for petit larceny (Hilton).
HB 437	Providing a special license for National Guardsmen's vehicles (Freeman).
HB 438	Regulating advertising by opthalmic dispensers (Bridgers).
HB 439	Regulating recovery in certain actions involving contributory negligence (Caudill).
HB 440	Prohibiting school employees having an interest in supplying school goods (Thomas).
HB 441	Enabling certain political subdivisions to elect social security coverage of employees (Morgan).
HB 442	Making appropriations for state government (Lambert).
HB 443	Barring close relatives of General Assembly members from state employment (Mackey).
HB 444	Prohibiting public utilities from raising rates pending a hearing (Peace).
HB 445	Providing for licensing and regulation of boats (Newsom).
HB 446	Relating to use of rural and secondary road funds (Breckinridge).

	Introduced	Referred	Reported	Readings 1st	Readings 2nd	Readings 3rd	Senate Message	Enrolled	Other Action
HB 421	353	355	705	715	739	916			
HB 422	353	355	789	878	908	996			
HB 423	353	355	789	879	908	997			
HB 424	353	355	789	880	908				
HB 425	353	355	561	608	726				
HB 426	353	355							
HB 427	353	355	415	415	493				
HB 428	353	355	415	441	494	932			
HB 429	385	477	705	716	739				
HB 430	385	477	561	609	726				
HB 431	385	477	561	609	726				
HB 432	386	477	789	881	908				
HB 433	386	477							
HB 434	386	477	561	610	726				
HB 435	386	477							
HB 436	386	477	561	610	726				
HB 437	386	477							
HB 438	386	477	497	504	524				
HB 439	386	477							
HB 440	386	477	743	748	774	930			
HB 441	386	477	497	505	524	932	1050	1052	
HB 442	386	477							
HB 443	386	477							
HB 444	386	477							
HB 445	386	477	561	610	726				
HB 446	484								

HB 447	Requiring tax receipts for motor vehicle registration (Blankenship).
HB 448	Defining the minimum containers for malt beverage sales (Reynolds).
HB 449	Transferring regulation of strawberry marketing (Ockerman).
HB 450	Prohibiting trespassing on posted property in second class cities (Ockerman).
HB 451	Setting penalties for tampering with a school bus (L. B. Wells).
HB 452	Giving non-residents the same income tax credits as residents (Burnley).
HB 453	Authorizing special power cycle licenses for persons under sixteen (Burnley, Harris).
HB 454	Changing requirements for notaries public (D. W. Howard).
HB 455	Relating to liens for employers' unpaid unemployment compensation contributions (D. W. Howard).
HB 456	Creating a State Plumbing Commission (Moore).
HB 457	Increasing the age to which parents must support children (Melton).
HB 458	Empowering state or local governments to elect Unemployment Insurance (Hilton).
HB 459	Authorizing veterans in mental hospitals to fish without licenses (Hinkle, Ockerman).
HB 460	Transferring Florence to the sixth class of cities (Day, Cottengim, Isler).
HB 461	Limiting information required in application for tax refunds on gasoline for non-highway purposes (Hinkle, Flanery, Mackey, Conrad, Thomas, Hadden, Ratcliffe, Johnson, Moore, Anderson, R. Reid, Gullette, Highland, Hahn, Casey, Williamson, Blue, Grundy, Heskamp, Blankenship, Thompson, Wilson).
HB 462	Setting a minimum markup price for sales of malt beverages to be consumed off the premises (Cottengim, Isler, Day, Wirsch).
HB 463	Creating a retirement system for state employees (Morgan).
HB 464	Requiring child care centers to obtain permits (Breckinridge).
HB 465	Reapportioning congressional districts (Morgan).
HB 466	Revoking public assistance for persons who fail to pay debts (Gay).
HB 467	Amending the Constitution relating to education (Morgan).
HB 468	Transferring Corydon to the sixth class of cities (Melton).
HB 469	Regulating destruction of dens of furbearing animals (Martin).
HB 470	Transferring Frankfort to the second class of cities (Moore).
HB 471	Requiring registration of economic poisons (Everett).
HB 472	Transferring Murray to the third class of cities (Billington).

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Other Action
				1st	2nd	3rd			
HB 447	484		497	507	524				
HB 448	484		705	716	739				
HB 449	484		743	749	774	999	1061	1061	
HB 450	484								
HB 451	484								
HB 452	484		497	508	524				
HB 453	484		497	509	524				
HB 454	485								
HB 455	485								
HB 456	485		561	615	726	785			
HB 457	485								
HB 458	485		561	627	726				
HB 459	485		561	627	726				
HB 460	485		705	716	739				
HB 461	485		497	510	524				
HB 462	485								
HB 463	387		561	628	726	777	933	1030	1014
HB 464	387		789	881	908	998	1050	1052	
HB 465	496		487	487	517	561		914	899
HB 466	496								
HB 467	496		487	491	517	726	1018	1030	
HB 468	496		497	511	524	737	1061	1061	
HB 469	496								
HB 470	496		497	511	524	736	933	993	
HB 471	496		562	644	726	778	1061	1061	1059
HB 472	496		789	883	908				

HB 473	Changing the list of property exempt from execution (Lowman).
HB 474	Relating to powers and officers of fire protection districts (Kubale).
HB 475	Relating to acknowledgement of satisfaction of liens (Davis, Burnley).
HB 476	Exempting clay from the strip mining law (Wirsch).
HB 477	Authorizing appointment of a wage board for any industry (Hilton).
HB 478	Requiring taxing district officials to report boundary changes (Morgan, Wathen).
HB 479	Relating to filing of tax returns by common carriers (Morgan, Wathen).
HB 480	Changing the date by which county tax rolls must be completed (Morgan, Thomas).
HB 481	Authorizing the State Board of Education to take bids on school busses (Morgan, H. V. Reid).
HB 482	Providing for administration of vocational rehabilitation (Morgan, H. V. Reid, Thomas).
HB 483	Relating to treasures of school boards (H. V. Reid, Hinkle, Moore, Bates).
HB 484	Prohibiting leaving children under eight unattended (C. S. Howard, Stith, Embry).
HB 485	Enacting the Uniform Motor Vehicle Certificate of Title Act (Burnley).
HB 486	Electing board of education members from the county at large (Thomas).
HB 487	Requiring that county boards of education members be nominated from divisions and elected at large (Thomas).
HB 488	Allowing mayors of third class cities to serve successive terms (H. V. Reid).
HB 489	Requiring that carpenters be licensed (Walsh).
HB 490	Raising pay of second class city council members (Davidson).
HB 491	Relating to registration of trademarks (Burnley).
HB 492	Exempting certain employee pension funds from the rule against perpetuities (Wathen).
HB 493	Adopting the Uniform Principal and Income Act (Wathen).
HB 494	Authorizing use of lie detector tests (C. S. Howard, A. W. Wells, D. W. Howard, Embry).
HB 495	Authorizing fifth class cities to execute relocation projects (McCallum, Morgan).
HB 496	Providing for removal of council members in certain cities (Mullins).
HB 497	Regulating information in motor vehicle sales (Burnley).
HB 498	Requiring disapproval of school budgets which fail to provide for debt payments (Hinkle).

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Other Action
				1st	2nd	3rd			
HB 473	496		743	749	774				
HB 474	496		562	653	726				
HB 475	496		497	512	524				
HB 476	496		562	660	726				
HB 477	522								
HB 478	522		562	660	726	911	1056	1061	1057
HB 479	522		562	661	726	912	1050	1052	
HB 480	522		562	664	726				
HB 481	522		562	665	726	783	1056	1061	
HB 482	522		562	666	726	997	1050	1052	931
HB 483	522		562	668	726	783	1023	1030	
HB 484	522		562	668	726				
HB 485	522		562	669	726				
HB 486	523								
HB 487	523		705	716	739				
HB 488	523		562	687	726	785	1038	1039	
HB 489	523		705	717	739				
HB 490	523		562	688	726				
HB 491	523		562	688	726	913	1050	1052	
HB 492	701		562	694	726	916	1056	1061	
HB 493	701		562	695	726	916	1056	1061	
HB 494	702								
HB 495	702		705	720	739	784	933	994	
HB 496	702		789	883	908				
HB 497	702		743	750	774				
HB 498	702		705	720	739	998	1050	1052	

HB 499	Providing for disposition of contraband used for alcoholic beverage sales (Bates).
HB 500	Providing for inspection and rebinding of certain used textbooks (Weintraub).
HB 501	Changing the penalty for taking or damaging property (Ockerman).
HB 502	Authorizing juvenile courts to issue employment certificates to minors (Moore).
HB 503	Relating to certain county officers' fees for collecting taxes (Wathen).
HB 504	Increasing the number of days retired teachers may teach (Gay).
HB 505	Extending eligibility for teachers' retirement (Gay).
HB 506	Regulating transfer of teachers between schools (Day).
HB 507	Making advertising to sell below cost evidence of intent to injure competitors (Harris).
HB 508	Creating a Division of Hospital Care (Breckinridge, Davidson, Day, Lowman, D. W. Howard, Hahn, Breathitt).
HB 509	Changing the amount dealers may deduct from gasoline taxes due (Hahn).
HB 510	Relating to veterinary licenses (Blue).
HB 511	Making an appropriation for the old Governor's Mansion (Wirsch, Tinsley, Wilson, Johnson).
HB 512	Making an appropriation for the Executive Mansion(Wirsch, Tinsley, Wilson, Johnson).
HB 513	Changing minimum fines for most traffic violations (Breckinridge).
HB 514	Regulating bond of real estate brokers and salesmen (Thompson).
HB 515	Changing requirements for group insurance of public employee association (Morgan).
HB 516	Increasing the tax on distilled spirits manufacture (Rayburn).
HB 517	Authorizing a Conspicuous Service Cross for veterans (Isler).
HB 518	Providing for licensing of transient merchants (Wathen).
HB 519	Providing for disposition of contraband used for alcoholic beverage sales (Bates).
HB 520	Increasing jailers' fees for keeping and dieting prisoners (Thomas).

	Introduced	Referred	Reported	Readings			Senate Message	Enrolled	Other Action
				1st	2nd	3rd			
HB 499	702		789	883	908				
HB 500	702		743	752	774	931		1061	
HB 501	702								
HB 502	702		789	883	908				
HB 503	738		743	752	774	994	1061	1061	
HB 504	738								
HB 505	738								
HB 506	738								
HB 507	738								
HB 508	738		789	885	908				
HB 509	738								
HB 510	738								
HB 511	738		743	756	774				
HB 512	738		743	756	774				
HB 513	738		743	757	774				
HB 514	772								
HB 515	772		789	892	908				
HB 516	772		789	893	908	933	1038	1061	1047, 1049, 1050
HB 517	772								
HB 518	773		789	893	908				
HB 519	906		789	897	908				
HB 520	1005								

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HISTORY OF HOUSE RESOLUTIONS

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HR	**B**	Inviting Frankfort pastors to open House sessions (Morgan).
HR	**C**	Adopting permanent rules (Morgan).
HR	**A**	Dedicating 1956 House rules to Representative Morris Weintraub (Cottengim).
HR	**A**	Congratulating Boys' Clubs of American and Kentucky affiliates (Davidson).
HJR	**1**	Adjourning from January 4 to January 9 (Morgan).
HJR	**2**	Petitioning Congress to study interstate taxation of trucks (Day).
HR	**3**	Recognizing National Guard Service of W. J. Adams (Caudill).
HCR	**4**	Providing a joint committee to investigate charitable, penal and eleemosynary institutions (Morgan).
HJR	**5**	Naming Lowell A. Williams as Poet Laureate (Davis, Harris).
HJR	**6**	Directing the Legislative Research Commission to study gasoline taxes (Cottengim, Isler).
HJR	**7**	Authorizing Ralph Myers to sue the state (Searcy).
HJR	**8**	Directing payment of a claim of Guy Bennett (Searcy).
HCR	**9**	Petitioning Congress to restore tobacco acreage allotments (Bates).
HJR	**10**	Authorizing Theda Waldridge to sue the state (Bridgers).
HCR	**11**	Petitioning Congress to restore tobacco acreage allotments (Freeman).
HJR	**12**	Authorizing appropriations for The Kentucky Digest (Everett).
HJR	**13**	Directing the Experiment Station to study eradication of Johnson grass (Wathen).
HJR	**14**	Directing the Legislative Research Commission to study points system of controlling traffic violations (Day).
HJR	**15**	Directing state agencies to avoid discrimination in employment (Hislope).
HJR	**16**	Making an appropriation to the Legislative Research Commission (Everett).
HJR	**17**	Authorizing H. V. Clark to sue the state (Holsclaw).
HCR	**18**	Petitioning Congress to restore tobacco acreage allotments (Wilson, et. al.).

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					1st	2nd	3rd				
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HJR	**2**	40	80								
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HJR	**6**	62	86		922			922	1038	1039	
HJR	**7**	62	86	524	545	726	901		1018	1030	1019
HJR	**8**	62	86	524	545	726	903		1018	1036	
HCR	**9**	80			1024			1024	1038		
HJR	**10**	80		524	546	726	901		1038	1039	
HCR	**11**	86	90		1026			1026	1038		
HJR	**12**	90	118	497	513	524	930				
HJR	**13**	120	128								
HJR	**14**	120	128		923			923	1038	1039	
HJR	**15**	120	128								
HJR	**16**	120	128	148	159	196	263		352	385	
HJR	**17**	129	136	524	547	726	901		1038	1039	
HCR	**18**	129	136	307	330	382	480	480	1018	1019	

HJR	19	Recognizing the Boone Festival in Barbourville (Buchanan).
HJR	20	Authorizing Stanley Crouch to sue the state (Freeman).
HR	21	Relating to meetings of the Joint Committee on Institutions (Breckinridge).
HJR	22	Authorizing J. D. Chancey to sue the state (Heyburn).
HJR	23	Directing the Department of Highways to study the establishment of a highway over Markland dam (Day).
HJR	24	Directing the Legislative Research Commission to study home rule (Breckinridge).
HJR	25	Making an appropriation for a Governor's Conference on Education (Morgan).
HCR	26	Commending the Standard Oil Company upon the film "Scenic Kentucky" (Wilson).
HR	27	Inviting the family of Fred Morgan to sing before the House (McCallum, et. al.).
HJR	28	Directing the Legislative Research Commission to study political parties (Breckinridge, Davidson).
HJR	29	Authorizing Mrs. G. R. Nantz to sue the state (McFadden).
HJR	30	Directing the naming of a highway for the 149th Infantry Regiment (Saylor, Heyburn).
HR	31	Expressing regret for the illness of Representative Carl Nunnelly (Caudill).
HCR	32	Requesting the Governor to appoint a committee to establish the boundaries of Bracken, Mason and Pendleton counties (Conrad).
HCR	33	Authorizing landowners within the Sam Ferguson drainage district to sue the state (Hahn, Blue).
HJR	34	Authorizing the estate of W. O. Reffitt to sue the state (Breckinridge).
HR	34 (a)	Adjourning the House in honor of Franklin D. Roosevelt and Fred Beshear (Harris).
HJR	35	Authorizing Walter Sublett to sue the state (Jennings).
HJR	36	Recognizing the Rowan County and Morehead centennials (Flanery).
HJR	37	Authorizing H. B. Wilson to sue the state (Searcy).
HR	38	Inviting Lee M. Dean to entertain the House (Freeman).
HCR	39	Petitioning Congress to aid in construction of sewage disposal systems (Tanner).
HJR	40	Adjourning in honor of the late Lt. Col. Lee J. Merkel (Lowman).
HJR	41	Urging restrictions on Kentucky Colonel appointments (Day, Thomas).
HJR	42	Authorizing Margaret and Carl Hoppe to sue the state (Kubale).

		Intro-duced	Re-ferred	Re-ported	Readings			Adopted	Senate Message	En-rolled	Other Action
					1st	2nd	3rd				
HJR	**19**	139	182	210	221	260	477		518		
HJR	**20**	139	182	524	548	726	903		1038	1039	901
HR	**21**	132			132			132			
HJR	**22**	185	198	524	549	726	903		1018	1036	
HJR	**23**	185	198								
HJR	**24**	185	355		923			923	1038	1039	
HJR	**25**	232	233	307	328	382	477		784	914	784
HCR	**26**	232									
HR	**27**	232									
HJR	**28**	264	271		924			924	1038	1039	
HJR	**29**	265	271	524	550	726	904		1038	1052	1041
HJR	**30**	265	271								
HR	**31**	265	271	307	309	382		1027			
HCR	**32**	265	271	415	431	493					
HCR	**33**	265	271	283	283	382					
HJR	**34**	272	279	524	551	726	904		1038	1052	1041
HR	**34** (a)	233									
HJR	**35**	272	279	524	551	726					
HJR	**36**	273	279	524	552	726		1027	1038		
HJR	**37**	353	355	743	758	774	905		1018	1030	1019
HR	**38**	354	355	415	429	493		1027			
HCR	**39**	354	355								
HJR	**40**	351			351			351			
HJR	**41**	386	477								
HJR	**42**	387	477	524	553	726	905		1038		1040

HR	**43**	Providing for Committee of the Whole sittings of the House (Lambert).
HJR	**44**	Adopting the tulip poplar as the official tree (Mackey).
HCR	**45**	Expressing appreciation to the University and City of Louisville (Wilson, et. al.).
HCR	**46**	Continuing the committee provided for by HR 4 (Morgan).
HR	**47**	Expressing regret for the illness of Representative Fred Beshear (Breathitt).
HJR	**48**	Directing reduction in state printing and stationery (Searcy).
HJR	**49**	Authorizing Mr. and Mrs. W. E. Taylor to sue the state (Lambert).
HR	**50**	Congratulating Miss Anne Gillock (Searcy).
HR	**51**	Empowering the Speaker to appoint a committee to secure more space for the House (Holsclaw).
HR	**52**	Requesting more songs and poems about Kentucky (Hislope).
HR	**53**	Requesting enforcement of anti-littering laws (Newsom).
HCR	**54**	Petitioning the Federal Communications Commission to allocate more High Frequency Television channels to Kentucky (Isler).
HJR	**55**	Authorizing Bill Stumbo to sue the state (Hill).
HCR	**56**	Expressing appreciation to the Temperance League (Conrad, et. al).
HR	**57**	Reaffirming House action in passing HB 100 (Mullins).
HCR	**58**	Directing the Legislative Research Commission to study the advisability of using state funds for municipal colleges (Burnley).
HR	**59**	Petitioning Congress to alleviate taxation of distilling and tobacco industries (Breckinridge, et. al.).

		Intro-duced	Re-ferred	Re-ported	Readings			Adopted	Senate Message	En-rolled	Other Action
					1st	2nd	3rd				
HR	**43**	387	477								
HJR	**44**	387	477								
HCR	**45**	485			1027			1027	1038		
HCR	**46**	496		497	514	524	735		931	991	
HR	**47**	496			486			486			
HJR	**48**	702									
HJR	**49**	702		743	759	774					
HR	**50**	559			559			560			
HR	**51**	702			704			704			738
HR	**52**	738			704			704			
HR	**53**	738									
HCR	**54**	738			1007			1008	1038		
HJR	**55**	773									
HCR	**56**	907			907			907	1038		1056
HR	**57**	1005			1029			1029			1008
HCR	**58**	1005			1005			1005	1038		
HR	**59**	1024						1024			

HISTORY OF SENATE BILLS

Numbers refer to page of House Journal. Text of bill is given on 1st reading.

SB	**1**	Increasing pay of election officers.
SB	**5**	Changing terms of court in the 36th Judicial District.
SB	**11**	Amending the Constitution to change the amending procedure.
SB	**12**	Relating to drainage districts boards and assessments.
SB	**15**	Relating to grounds for divorce.
SB	**16**	Limiting eligibility for jury service.
SB	**23**	Creating a Kentucky Commission on Alcoholism.
SB	**24**	Making the permanently disabled eligible for public assistance.
SB	**28**	Allowing a married woman to contract for debt of another.
SB	**30**	Relating to county farm bureaus.
SB	**33**	Increasing the excise tax on distilled spirits.
SB	**34**	Changing the period during which an insurer can void a disability policy.
SB	**35**	Authorizing boards of education to furnish free textbooks for indigent high school pupils.
SB	**37**	Making insurance agents and examining doctors agents of the insured.
SB	**42**	Amending the Constitution relating to exemptions from property tax.
SB	**45**	Requiring peddlers in unincorporated areas to be licensed.
SB	**51**	Authorizing cities to sell real estate not used for a public purpose.
SB	**52**	Authorizing group life insurance for credit union members.
SB	**53**	Increasing the amount a court may order paid to the custodian of a person under disability.
SB	**54**	Making primary and general election days holidays.
SB	**59**	Transferring Benton to the fourth class of cities.
SB	**62**	Transferring Loyall to the fifth class of cities.
SB	**71**	Authorizing payment to circuit judges of expenses incurred outside their county of residence.
SB	**72**	Providing for condemnation by corporations constructing a dam or producing electricity.
SB	**73**	Exempting children of certain deceased veterans from payment of college tuition fees.
SB	**74**	Making an appropriation for two special peace officers to direct General Assembly parking.
SB	**75**	Increasing membership of the State Racing Commission.
SB	**77**	Prohibiting a barber from practicing as an apprentice for more than two years.
SB	**79**	Changing the penalty for carrying a concealed deadly weapon.

		Senate Message	Re-ferred	Re-ported	Readings			En-rolled	Other Action
					1st	2nd	3rd		
SB	**1**	140	198						
SB	**5**	88	198	210	224	260	731	743	
SB	**11**	352	355	705	722	739	1022	1050	
SB	**12**	133	198	524	542	726	1021	1050	
SB	**15**	133	198	375	375	477	734	777	
SB	**16**	92	198	307	331	382	1032	1050	
SB	**23**	779		934	950	1008	1046	1061	
SB	**24**	266	279	524	537	726	1036	1061	
SB	**28**								
SB	**30**	133	198	307	310	382	558	729	
SB	**33**	899		934	951	1008			
SB	**34**	133	198	524	554	726	1057	1061	
SB	**35**	140	198	307	329	382			
SB	**37**	352	355						
SB	**42**	352	355						
SB	**45**	279	355						
SB	**51**	262	271	524	533	726	1023	1050	
SB	**52**	266	279	524	544	726	1048	1061	
SB	**53**	383	477	524	535	726	1055	1061	
SB	**54**								
SB	**59**	260	271	789	789	908			
SB	**62**	263	271	307	326	382			
SB	**71**	483		497	517	524	732		
SB	**72**	263	271	524	533	726	777	786	
SB	**73**	352	355	705	722	739	1035	1050	1050
SB	**74**	266	279	497	513	524	776	786	789, 911
SB	**75**	266	279	524	537	726	1032	1050	1050
SB	**77**	740		933	952	1008			
SB	**79**	383	477						

SB 83	Authorizing second to sixth class cities to provide waterworks outside the city.
SB 88	Changing the ordinances of a fourth class city that must be on public file before adoption.
SB 91	Giving a preferred claim against decedents' estates to persons paying funeral or last illness expense.
SB 95	Providing for Watershed Conservancy Districts within Soil Conservation Districts.
SB 97	Authorizing the gift of securities to minors and providing for custodians.
SB 98	Relating to eligibility and payments for Workmen's Compensation.
SB 100	Changing the date of the primary election.
SB 101	Giving certain adopted children preference over the state for property of the parents' ancestors.
SB 102	Transferring Brandenburg to the fifth class of cities.
SB 104	Allowing deduction of political contributions for income tax purposes.
SB 105	Changing the membership and meeting dates of the Judicial Council.
SB 106	Providing for designation of state labor surplus areas and giving them preference in state purchasing.
SB 111	Providing a special license for historic motor vehicles.
SB 112	Authorizing the Court of Appeals to regulate applications for appeals in certain civil cases.
SB 115	Giving banks one business day in which to refuse payment of certain demand items.
SB 116	Prohibiting use of the word "bank" in the names of loan companies in certain cities.
SB 117	Prohibiting banks from making loans on the security of shares of their own capital stock.
SB 118	Requiring banks to refuse payment of checks presented more than a year from their date.
SB 124	Prohibiting retail or wholesale cigarette sales at less than cost.
SB 132	Allowing constables a fee for arrests in misdemeanor cases.
SB 136	Relating to game and fish and hunting and fishing licenses.
SB 138	Providing for selection of police court jurors in second class cities.
SB 145	Making an appropriation for purebred cattle shows and sales.
SB 146	Changing the terms of court in the 42nd Judicial District.
SB 153	Requiring peace officers' patrol vehicles to be marked.
SB 166	Increasing the maximum size package for sale of distilled spirits.
SB 168	Relating to residence of voters temporarily away from home.

	Senate Message	Referred	Reported	Readings			Enrolled	Other Action
				1st	2nd	3rd		
SB 83	483		524	536	726	769	777	
SB 88	263		524	533	726	1054	1061	
SB 91	279	355	524	542	726			
SB 95	730		789	790	908	1030	1050	
SB 97	483		934	953	1008			
SB 98	910		934	957	1008	1036	1050	
SB 100	518		524	533	726	1022	1050	
SB 101	518		789	796	908	1032		1059
SB 102	262	271	398	410	494			
SB 104	740		934	969	1008			
SB 105	483		524	541	726	1021	1050	
SB 106	899							
SB 111	910							
SB 112	483		743	759	774	1008	1050	
SB 115	518		524	536	726	775	786	
SB 116	740		934	969	1008	1034	1050	
SB 117	518		524	534	726	775	786	
SB 118	518		524	532	726	776	786	775
SB 124	518		524	525	726	771	786	
SB 132	483		297	298	739	1017	1050	
SB 136	740		789	796	908	1033	1061	1039
SB 138	483		524	531	726	1055	1061	
SB 145	740		789	816	908	1046	1061	
SB 146	483		705	723	739	1052	1061	
SB 153	772		789	818	908	1055		
SB 166	518		705	724	739			
SB 168	784		934	969	1008			

SB 169	Providing for County Building Commissions and for financing buildings.
SB 170	Prohibiting paid soliciting of business for attorneys.
SB 171	Taxing certain actions to finance county law libraries.
SB 172	Deleting residence restrictions on members of the University Board of Trustees.
SB 178	Deleting the maximum on fees the Court of Appeals may fix for the Bar Association.
SB 179	Creating a Division of Services for the Blind in the Department of Education.
SB 180	Relating to legal residence of state officers living at the capital.
SB 182	Authorizing fiscal courts to appropriate to certain non-profit associations.
SB 185	Creating a retirement system for state employees.
SB 191	Providing that contributing negligence shall not bar recovery in certain actions.
SB 193	Requiring that persons registering motor vehicles show property tax receipts.
SB 194	Increasing the per diem of State Fair Board members.
SB 195	Relating to implied bias of jurors.
SB 197	Increasing the medical fee for examinations in inquests for committing incompetents.
SB 198	Relating to members and employees of fire protection districts.
SB 199	Changing the procedures for tax refunds on non-highway gasoline.
SB 200	Prohibiting wholesale sales of fireworks.
SB 203	Relating to filing of emergency fish and game regulations.
SB 204	Relating to combined electric and water plants in third class cities.
SB 205	Specifying probation and parole procedure, powers, and duties of circuit courts and Division of Probation and Parole; creating a State Parole Board; adopting the Uniform Act for Out-of-State Parolee Supervision.
SB 207	Clarifying certain exemptions from state ad valorem taxes.
SB 208	Relating to garnishment orders.
SB 209	Requiring that information about partnerships be furnished to certain persons.
SB 210	Providing for collection of fees due a sheriff.
SB 211	Repealing certain obsolete sections of the *Kentucky Revised Statutes.*
SB 212	Requiring that administrative regulations be furnished to circuit judges.
SB 213	Permitting illiterate persons to sign by mark.
SB 214	Relating to the computation of time.

	Senate Message	Re-ferred	Re-ported	Readings			En-rolled	Other Action
				1st	2nd	3rd		
SB 169	740		789	818	908	1008	1050	
SB 170	740		743	766	774	1016	1050	
SB 171	518		743	760	774	1016	1050	
SB 172	740		743	766	774	1033	1050	1050
SB 178	730		789	823	908	1016	1050	
SB 179	740							
SB 180	931		1000	1002	1008			
SB 182	730		789	824	908	1031	1050	
SB 185	779							
SB 191	740							
SB 193	740		743	766	774			
SB 194	931		934	970	1008	1035	1050	
SB 195	772		789	824	908	1055	1061	
SB 197	779							
SB 198	772		789	825	908	1018	1050	
SB 199	740		789	832	908	1020	1050	
SB 200	772		934	970	1008	1054		
SB 203	740		789	832	908	1047	1061	
SB 204	784		934	972	1008	1047	1061	
SB 205	740		789	833	908	1031	1050	
SB 207	740							
SB 208	740		934	973	1008	1048	1061	
SB 209	740		934	973	1008	1048	1061	
SB 210	740		934	973	1008			
SB 211	740		934	974	1008			
SB 212	740		789	845	908	1021	1050	
SB 213	740							
SB 214	740		934	977	1008			

SB 215	Clarifying requirements for advertising revenue bonds.
SB 216	Providing for tax refund on gasoline used in motor boats.
SB 217	Clarifying certain statutes relating to jailers.
SB 218	Relating to members of the Public Service Commission.
SB 219	Transferring Murray to the third class of cities.
SB 223	Regulating the operation of bicycles.
SB 226	Providing for establishment and licensing of pay lakes.
SB 227	Prohibiting sale of certain comic books.
SB 229	Making an appropriation for the Old Governor's Mansion.
SB 231	Increasing jailers' fees and authorizing deputies.
SB 234	Providing good time deduction for prisoners.
SB 236	Making an appropriation for the Old Governor's Mansion.
SB 237	Making an appropriation for the Executive Mansion.
SB 241	Relating to filing, enforcement, and review of administrative regulations.
SB 249	Relating to notaries public for the state at large.
SB 251	Authorizing life certificates for certain teachers.

	Senate Message	Re-ferred	Re-ported	Readings 1st	2nd	3rd	En-rolled	Other Action
SB 215	740		934	977	1008	1049	1061	
SB 216	772							
SB 217	740		934	978	1008			
SB 218	910		934	978	1008	1038	1061	
SB 219	740		789	846	908	1023	1050	
SB 223	899		934	979	1008	1056	1061	
SB 226	779		789	846	908	1031	1050	
SB 227	931		1000	1002	1008			
SB 229	779		789	847	908	1037	1061	
SB 231	899		789	848	908	1017	1050	
SB 234	784		934	982	1008	1046	1061	
SB 236	779		789	849	908	1038	1061	
SB 237	779		789	850	908	1039		
SB 241	910		934	983	1008	1053	1061	1052
SB 249	899		934	990	1008			
SB 251	931		1000	1004	1008			

HISTORY OF SENATE RESOLUTIONS

Numbers refer to page of House Journal. Text of resolution is given on first reading or adoption. Joint resolutions are designated SJR; concurrent resolutions are designated SCR.

SCR	4	Extending condolences to Ben B. Fowler.
SR	5	Petitioning Congress to provide federal funds for education.
SCR	6	Providing for appointment of a joint committee to investigate the Kentucky Department of Insurance.
SCR	7	Petitioning Congress to establish a modern highway system.
SJR	9	Petitioning Congress to reduce the age for Old Age Assistance to sixty years.
SJR	10	Petitioning Congress to reduce the retirement age for Social Security to sixty years.
SJR	11	Providing for a committee to investigate the Executive Mansion.
SCR	12	Petitioning Congress to restore tobacco acreage allotments.
SJR	14	Authorizing Helen Klinglesmith to sue the state.
SJR	15	Authorizing the estate of Paul Collins to sue the state.
SJR	16	Directing the Legislative Research Commission to study the Uniform Commercial Code.
SJR	17	Directing payment of a claim of the American Hardware and Furniture Mart.
SJR	18	Directing transfer of funds from Bridge Project No. 17 to Project No. 18.
SJR	19	Directing payment of a claim of the Louisville and Nashville Railroad Company.
SJR	20	Authorizing Emma McCoun and Orene Swango Davis to sue the state.
SCR	22	Petitioning Congress to establish an inland naval training center on Lake Cumberland.
SCR	23	Providing for adjournment from January 18 to January 23.
SJR	24	Making an appropriation to the Governor's General Emergency Fund.
SJR	25	Authorizing Ora Mae Kincheloe to sue the state.
SJR	26	Directing the Legislative Research Commission to study homes for retarded children.
SJR	27	Directing the Legislative Research Commission to study homes for the aged.
SJR	28	Directing the Legislative Research Commission to study treatment and training centers for crippled children.
SCR	29	Petitioning Congress to provide federal aid for school construction.
SCR	30	Petitioning Congress to complete the upper Cumberland river dam system.
SJR	32	Authorizing Charles McCuiston to sue the state.
SCR	33	Directing the Legislative Research Commission to study traffic across the Ohio River.

		Senate Message	Re-ferred	Re-ported	Readings			Adopted	En-rolled	Other Action
					1st	2nd	3rd			
SCR	**4**	40			43			43		
SR	**5**	140			179			180		
SCR	**6**	44			44			47		
SCR	**7**	140			180			180		
SJR	**9**	352	355		1041			1041	1061	
SJR	**10**	352	355		1042			1042	1061	
SJR	**11**	140			180			180	273	
SCR	**12**	133	198	933	934	1008		1020	1050	
SJR	**14**	910		743	768	1008		1052	1061	
SJR	**15**	352	355	524	524	726	991		1061	
SJR	**16**	140	198	74	75	382	732		743	
SJR	**17**	383	477	743	762	774	991		1061	
SJR	**18**	383	477	933	935	1008		1052	1061	
SJR	**19**	383	477	743	762	774	992		1061	
SJR	**20**	483		743	763	774	992			
SCR	**22**	279	279	933	935	1008		1020	1050	
SCR	**23**	92			117					120
SJR	**24**	178	198	307	309	382	1009	1050	1050	
SJR	**25**	483		743	763	774	992			
SJR	**26**	352			925			925	933	
SJR	**27**	352	355		926			926	933	
SJR	**28**	352	355		926			926	933	
SCR	**29**	994		789	898	1008		1020		
SCR	**30**	518		933	937	1008		1020		
SJR	**32**	483		743	764	774	993			
SCR	**33**	518			927			927	933	

SJR	35	Directing the Legislative Research Commission to continue to study the Judicial Department.
SJR	36	Authorizing Charles C. Gross to sue the state.
SCR	37	Petitioning Congress to provide more hospital facilities for veterans.
SR	39	Directing the Property and Buildings Commission to restore the Old Governor's Mansion as a residence for the Lieutenant Governor.
SCR	40	Providing for sine die adjournment on February 18.
SJR	41	Authorizing Ulysses G. Sparks to sue the state.
SCR	44	Providing for a committee to investigate the Old Governor's Mansion.
SCR	45	Petitioning Congress to appropriate for Zachary Taylor National Cemetery.
SJR	47	Petitioning Congress to amend the 1944 Serviceman's Readjustment Act.
SJR	50	Adjourning in memory of Lt. Colonel Lee J. Merkel.
SJR	51	Authorizing Dorothy Burke to sue the state.
SJR	52	Authorizing W. W. Durham to sue the state.
SCR	53	Petitioning the Secretary of Defense to designate an unknown soldier of World War II.
SJR	55	Authorizing the Legislative Research Commission to procure an automatic roll-call for the General Assembly.
SJR	56	Requesting the Property and Buildings Commission to maintain fair grounds at Nicholson.
SJR	58	Directing the Legislative Research Commission to study the Teachers' Retirement System.
SJR	59	Directing the Legislative Research Commission to furnish administrative regulations to legislators.
SJR	60	Directing the Legislative Research Commission to study the school entrance age.
SJR	61	Authorizing Charles McCuiston to sue the state.
SR	62	Expressing regret for the illness of Representative Fred Beshear.
SJR	63	Authorizing Charles and Kelly McCuiston to sue the state.
SCR	66	Providing for a joint session to hear Dr. W. C. Menninger.
SJR	67	Authorizing Bill Stumbo to sue the state.
SJR	68	Urging adoption of the tulip poplar as the official tree.
SCR	69	Extending the investigation of the joint committee on insurance.
SJR	70	Designating the Kentucky Bass as the official fish.
SR	73	Directing the Legislative Research Commission to prepare a summary of enactments.
SR	74	Petitioning Congress to alleviate taxes on tobacco and distilling.

		Senate Message	Referred	Reported	Readings			Adopted	Enrolled	Other Action
					1st	2nd	3rd			
SJR	**35**	383	477		929			929	933	
SJR	**36**	931		933	937	1008				
SCR	**37**	518		933	938	1008		1020		
SR	**39**	483		497	516	524	733		743	
SCR	**40**	277	279	307	332	382	483			
SJR	**41**	899		933	939	1008		1052	1061	
SCR	**44**	262								
SCR	**45**	518		933	940	1008		1020		
SJR	**47**	518		356	356	1008		1020		
SJR	**50**	352			941					
SJR	**51**	779		933	942	1008		1052	1061	
SJR	**52**	772		933	943	1008				
SCR	**53**				1043			1043		
SJR	**55**	933		1000	1001	1008		1020		
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